MONTANA
FISH AND GAME
LAWS

REVISED FOR YEARS

1937-1938

J. A. WEAVER
State Fish and Game Warden
HELENA, MONTANA

Compilation of Laws Relating to Game and Fish, Game Birds and Animals of the State of Montana.

1937-1938

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NAEGELE PRINTING CO.

HELP PREVENT FIRES

KEEP FORESTS GREEN

Here Are Six Safe Rules for Prevention of Fires in our Forests. Motorists are urged to see that they are enforced.

1. MATCHES—Be sure your match is out. Break it in two before you throw it away.

2. TOBACCO—Be certain that pipe ashes and cigar or cigarette stubs are dead before throwing them away. Never throw them into brush, leaves, or needles.

3. MAKING CAMP—Before building a fire scrape away all inflammable material from a spot five feet in diameter. Dig a hole in the center and in it build your camp fire. Keep it small. Never build a fire against trees, logs or near brush.

4. BREAKING CAMP—Never break camp until your fire is out—dead out.

5. BURNING BRUSH—Never burn slash or brush in windy weather or while there is the slightest danger that the fire will get away.

6. PUTTING OUT CAMP FIRES—Stir coals while soaking them with water. Turn small sticks and drench both sides. Wet ground around fire. If you can't get water, stir in earth and tread down until packed tight over and around fire. Be sure the last spark is dead.

GAME AND FISH LAWS

1937-1938

Section 3650. **State Fish and Game Commission, Creation.** There is hereby created for the State of Montana, a State Fish and Game Commission, which shall be composed of five members, with the powers and duties in this Act specified, and which is hereinafter referred to as "The Commission."

Section 3651. **Membership—Terms.** The members of this Commission hereby created, shall be appointed by the Governor of the State of Montana. The selection of said members shall be made without regard to political affiliation, but for the sole welfare of the fish, game and wild life of the State, and not more than three of said members shall belong to the same political party. Two of said members shall be appointed to serve for one year, one to serve two years, one to serve three years, and one to serve four years, and thereafter to be appointed by the Governor at the expiration of their first terms, to serve for four years, unless sooner removed. All vacancies in the Commission shall be filled by the Governor. The Governor is hereby given the power to remove any member of said Commission for cause or for the good of the Commission. No person shall be appointed a member of said Commission unless he shall be informed on, and interested in, the subject of wild life, fish and game, and the requirements for the conservation and propagation of fish, game and game birds and animals. The first members of the Commission shall be appointed by the Governor within thirty days after the passage and approval of this Act. Each Commissioner shall, before entering upon his official duties,

execute and file a bond with the Secretary of State, running to the State of Montana, in the penal sum of One Thousand Dollars, with sureties to be approved by the State Treasurer, conditioned for the faithful performance of his duties, and that he will account for, and pay over to the Fish and Game Fund of the State, all moneys received by him, and he shall be reimbursed for the premium on said bond from the State Fish and Game Fund upon furnishing a proper voucher therefor.

Section 3652. **Meetings.** The members of the Commission shall within thirty days after their appointment and annually thereafter meet and organize by electing from its membership a chairman and shall hold quarterly or other meetings for the transaction of business, at such times and places it may deem necessary and proper, said meetings to be called by the Chairman, or by a majority of the Commission, and to be held at the time and place specified in the call for the same. A majority of the members of the Commission shall constitute a quorum for the transaction of any business which may come before it. The said Commission shall keep a record of all the business transacted by it. The Chairman and Secretary, hereinafter designated, shall sign all orders, minutes or documents for the Commission.

Section 2. That Section 3653 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be, and the same is hereby amended to read as follows:

Section 3653. Chapter 200, Laws 1935. **Powers and Duties of Commission.** The Commission hereby created shall have sup-

ervision over all the wild life, fish, game, and non-game birds, and waterfowl, and the game, and fur-bearing animals of the State, and shall possess all powers necessary to fulfill the duties prescribed by law with respect thereto, and to bring actions in the proper courts of this State for the enforcement of the fish and game laws of the State and the orders, rules and regulations adopted and promulgated by the Commission. It shall have full power and authority to enforce all the laws of the State of Montana, respecting the protection, preservation and propagation of fish, game, and fur-bearing animals, game and non-game birds, within the State. It shall have the exclusive power to expend for the protection, preservation and propagation of fish, game, and fur-bearing animals, and game and non-game birds, all funds of the State of Montana collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise, all sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this State, from appropriations, or received by the Commission from any other sources are hereby appropriated to and placed under control of the Montana Fish and Game Commission. It shall have power to discharge any appointee or employee of such Commission for cause at any time. It shall have full power and authority to dispose of all property owned by the State of Montana, used for the protection, preservation and propagation of fish, game and fur-bearing animals, and game and non-game birds, which shall have been found to be of no further value or use to the State, and shall turn over proceeds arising therefrom to the State Treasurer to be

by him credited to the State Fish and Game Fund. It shall have full power and authority to use so much of the Fish and Game Funds of the State as may be necessary for the construction, maintenance, operation, upkeep, and repair of fish hatcheries, game farms, or other property or means and appliances for the protection and propagation of fish, game and fur-bearing animals, or game or non-game birds in the State of Montana, and it shall have the authority to appropriate moneys from the funds at its disposal for the extermination or eradication of predatory animals that destroy fish, game, or fur-bearing animals, or game or non-game birds. It shall have authority to provide for the importation of game birds and game and fur-bearing animals and for the protection, propagation, and distribution of such imported or native birds and animals. It shall have authority to spend so much of the State Fish and Game Funds as may be necessary to introduce and propagate wild waterfowl food and for that purpose may secure expert advice as to what kinds of waterfowl foods are adapted to the climate, soil, and waters of this State. It shall be its duty to furnish plans for, and to direct and compel the construction and installation and repair of fish ladders upon dams and other obstructions in streams, which, however, shall be installed and maintained at the expense of the owners of said dam or other obstruction. It shall have the authority to purchase and maintain at the expense of the State Fish and Game Fund suitable fish screens or fish wheels, or other devices, to install them in irrigating ditches to prevent fish entering said ditches. It shall have authority to locate, lay out, construct and maintain nurseries and rearing ponds where fry can be planted, propagated and reared, and when of suitable sizes, liberated and distributed in the waters of

this State, and may expend from the State Fish and Game Funds such sums as may be necessary for this purpose. It shall have authority to acquire by gift, purchase, capture, or otherwise, any fish, game, game birds, or animals, for propagation, experimental or scientific purposes. It shall have authority to acquire by purchase, condemnation, lease, agreement, gift, or devise, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate and maintain the same for said purposes: (a) For fish hatcheries, nursery ponds, or game farms; (b) Lands or waters suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection; (c) For public hunting, fishing or trapping areas to provide places where the public may hunt, trap or fish in accordance with the provisions of law or the regulations of the Commission; (d) To extend and consolidate by exchange lands or waters suitable for the above purposes; (e) To capture, propagate, transport, buy, sell, or exchange, any species of game, bird, fish. fish eggs, or fur-bearing animals needed for propagation or stocking purposes, or to exercise control measures of undesirable species. It shall have authority to enter into cooperative agreements with educational institutions and state, federal, or other agencies, to promote wild-life research and to train men for wild-life management. It shall have authority to enter into cooperative agreements with federal agencies, municipalities, corporations, organized groups of land-owners, associations and individuals for the development of game, bird, fish, or fur-bearing animal management and demonstration projects. It shall have authority to fix seasons and bag limits, or shorten or close seasons on any species of game, bird, fish, or fur-bearing animal, in any specified locality or localities or the entire state, when it

shall find, after said investigation, that such action is necessary to assure the maintenance of an adequate supply thereof. The statutes now governing such subjects shall continue in full force and effect, except as altered or modified by rules and regulations promulgated by the Commission. It shall have authority to establish and close to hunting, trapping or fishing, game, bird or fish refuges on public lands, and, with the consent of the owner on private lands; and close streams and lakes, or parts thereof, to hunting, trapping or fishing. It shall have authority to divide the state into fish and game districts, and to create fish, game or fur-bearing animal districts throughout the State of Montana and to declare closed season for hunting, fishing, or trapping in any of said districts so created, and later to open said districts to hunting, fishing or trapping. It shall have authority to declare a closed season on any species of game, fish or game birds, or fur-bearing animals threatened with undue depletion, from any cause, and to close any area or district or any stream, public lake, or public water, or portions thereof, to hunting, trapping, or fishing, for limited periods of time when such action is necessary to protect recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations, or to prevent the undue depletion of fish, game and fur-bearing animals, and game and non-game birds, and later to open the same upon consent of a majority of the property owners affected. It shall have authority to establish game refuges for the purpose of providing safe sanctuaries in which game and fur-bearing animals or game or non-game birds may breed and replenish. Such refuges shall be established by order of the Commission upon the petition and proper showing that such action is, in the judgment of the Fish and

Game Commission necessary and in the best interest of the wild-life within the area, to be included within such refuge, it being the purpose of this provision to establish small refuges rather than large preserves or rather than to close large areas to hunting or trapping. It shall have authority to designate and protect certain areas as resting, feeding and breeding ground for migratory birds, in which hunting and molestation shall be forbidden; it being the purpose of this provision not to interfere unduly with the hunting of water-fowl, but to provide havens in which they can rest, feed and breed without molestation. After petition has been duly filed with the Secretary of the Commission, praying that an area shall be set aside as a game refuge or haven, the said Secretary shall immediately publish a notice in a paper of general circulation in the county in which said area is proposed, that a hearing in connection therewith will be held at such place in said county as may be designated on a day not less than fifteen (15) days from the date of the first publication, to be specified in said notice, at which time and place all interested parties shall have the right to appear and be heard. It shall have authority to establish and maintain an educational and biological department of their work for the collection and diffusion of such statistics and information as shall be germane to the purpose of this Act.

Said Commission shall, in addition to the powers heretofore granted, have such other and further powers as may be necessary to fully carry out the purpose and intent of all the laws pertaining to fish, game, and fur-bearing animals, game and non-game bird propagation, protection, conservation and management of this Act; provided, however, that it shall not have authority to issue permits to anyone to carry firearms

within the confines of the State of Montana, except to regularly appointed officer and/or Fish and Game Wardens who are paid by the State of Montana.

Section 3654. **Compensation of Commissioners.** The members of the Commission shall receive no compensation for their services as members thereof, except a per diem of Ten Dollars ($10.00) for each member for every day in actual attendance at the meetings of said Commission, or in the execution of their duties as members of said Commission; provided, however, that in no instance shall any members of said Commission receive as said per diem a sum in excess of Four Hundred Dollars ($400.00) in any one year, and the members of said Commission shall be allowed their actual and necessary traveling expenses, while performing their duties as members of said Commission, which shall be paid from the Fish and Game Fund of the State, upon presentation of proper vouchers therefor.

Section 3655. **State Fish and Game Warden—Qualifications, Duties.** The State Fish and Game Commission shall appoint and employ a State Fish and Game Warden, who shall continue in the office at the pleasure of said Commission. He shall be a person having experience, special training and skill in wild life protection, conservation, and management. He shall be the Secretary of the State Fish and Game Commission, attend the meetings of said Commission, and keep a record of all of its transactions and shall make and keep an inventory showing the description and value of all property owned by the State and under the administration of said Commission. He shall be the administrative agent of the State Fish and Game Commission, custodian of the property and records of the Fish and Game Depart-

ment, and shall maintain his office at the seat of the State Government. He shall devote all his time to his official duties, and such State Fish and Game Warden shall have all the powers and duties which are now or may hereafter be by law conferred upon and delegated to the State Game Warden or the State Fish and Game Warden. His powers and duties shall include those of a Deputy State Fish and Game Warden hereinafter enumerated. He shall be subject to the supervision and control of said Commission and may be removed from office by said Commission for neglect of duty, incompetency or other good cause. The State Fish and Game Warden shall be paid a salary fixed by the Commission not exceeding in amount Three Thousand Six Hundred Dollars ($3,600.00) per year, and in addition thereto shall be allowed his actual and necessary traveling expenses while away from the seat of government upon official business connected with his office, but in no instance shall he be allowed as expenses a sum in excess of Two Thousand Dollars ($2,000.00) in any one year, the same to be paid upon proper vouchers from the Fish and Game Fund of the State.

Section 3656. **Deputy Fish and Game Wardens—Appointment.** The State Fish and Game Warden, by and with the consent and approval of the Commission, shall have power to employ, and appoint a number of deputy state fish and game wardens not in excess of twenty-two for the proper enforcement of the fish and game laws of the State, or for such purposes as the Warden may direct, who shall be peace officers and hold their offices for such time as the Warden may direct, and who may be removed from office by said Warden at any time for cause, after due hearing before said Commission.

The said Commission shall assign to each Deputy State Fish and Game Warden, appointed or employed the territory or district in which he is to perform his duties and work, which may be changed at any time by said Commission. Said Deputy Fish and Game Wardens shall perform their duties at the direction of, and subject to the supervision and control of the State Fish and Game Commission and the State Fish and Game Warden; provided, however, the Commission may employ for a limited period of time, special Deputy Game Wardens to patrol said districts and enforce the game and fish laws of the State of Montana therein, and to perform such duties in said districts as may be prescribed by said Commission for the limited time for which they are employed; and further, such special Deputy Game Wardens shall receive in compensation not to exceed One Hundred Twenty-five Dollars ($125.00) per month and actual expenses.

Section 3657. **Deputy State Fish and Game Wardens Under Qualifications.** All appointments of salaried Deputy Fish and Game Wardens shall be made under rules adopted and promulgated by the Commission; such examination shall embrace an investigation of the character, habits, and qualifications of the applicant, as well as his knowledge of the State Fish and Game Laws, and the duties and responsibilities appertaining to the office of Deputy Fish and Game Warden. No person shall be appointed a salaried Deputy State Fish and Game Warden until a certificate shall have been issued to him by the Commission to the effect that he has passed the required examination and is a fit and proper person to perform the duties of the office.

Section 3658. **Political Activity Prohibited.** While retaining the right to vote as he may please, and to express his opinions on all political questions, no Fish and Game Warden or Deputy shall take any active part in political management or political campaign nor shall he use his official authority or influence for the purpose of interfering with an election, or affecting the results thereof, or for the purpose of coercing or influencing the political actions of any persons or body.

Section 3659. **Deputy State Fish and Game Wardens—Qualifications, Duties.** The Deputy State Fish and Game Wardens employed and appointed by virtue of this Act shall be persons who have had experience, training and skill in protection, conservation, and propagation of wild life, game, and fur-bearing animals, fish and game birds, and who shall be interested in said work; they shall devote all of their time for which they are appointed, to their official duties; it shall be their duty to see that the laws of the State of Montana and the laws, orders, rules and regulations of the State Fish and Game Commission with reference to the protection, preservation and propagation of game and fur-bearing animals, fish and game birds are strictly enforced; it shall be their duty to see that all those who hunt, fish, or take game, or fur-bearing animals, game birds, or fish, have necessary licenses. They shall have authority to serve subpoenas issued by any court for the trial of offenses against any of the fish and game laws of the State; they shall have authority to make a search, when they have reasonable cause to believe that any of the game, fish, birds, or quadrupeds, or any parts thereof, have been killed, captured, taken or possessed, in violation of the laws of this State, and

without search warrant, to search any tent not used as a residence, boat, car, automobile, or other vehicle, box, locker, basket creel, crate, gamebag, or other package and the contents thereof to ascertain whether any of the provisions of the laws of this State or the rules and regulations of the Fish and Game Commission for the protection, conservation or propagation of game and fish or game birds or fur-bearing animals have been violated, and with a search warrant to search and examine the contents of any dwelling house or other building, to seize and confiscate all game, fish, game birds, and fur-bearing animals or any parts thereof, possessed in violation of the law, or the orders, rules and regulations of the Commission, or showing evidence of illegal taking, and seize and confiscate all devices used in the taking of game and fur-bearing animals, fish or game birds illegally, and to hold the same subject to law or the orders of said State Fish and Game Commission; to arrest without warrants any persons committing in their presence any offense against the Fish and Game Laws of the State of Montana, or against any orders, rules and regulations of the Commission violation of which has been made a misdemeanor by the provisions of this Act, and to arrest without warrant any person who they have reasonable and probable cause to believe has committed any such offense and to take such person immediately before a magistrate having jurisdiction of the same, and to exercise such other powers of peace officers in the enforcement of the Fish and Game Laws of the State, and the orders, rules and regulations of the Commission, or of judgments obtained for the violation thereof, not herein specifically provided. It shall be their duty at all times to assist in the protection, conservation and propagation of fish, game, and

fur-bearing animals, and game and non-game birds, and to assist in the planting, distributing, feeding and caring for fish, game and fur-bearing animals, and game and non-game birds; it shall be their duty when ordered by the State Fish and Game Commission, to assist in the destruction of predatory animals, birds and rodents; it shall be their duty to do and perform all other duties prescribed from time to time by the State Fish and Game Commission, and to make a monthly report to said Commission correctly and truthfully informing the said Commission of just what each said Deputy Fish and Game Warden has done during each day of the preceding month, with regard to the enforcement of the Fish and Game Laws of this State, showing where his duties called him, and what he was called upon to do, and said report shall contain any pertinent recommendations said Deputy may see fit to make. No Deputy or Special Deputy Game and Fish Warden shall have authority to compromise or settle out of court, any violation of the State Fish and Game Laws.

Section 3660. **Oath and Bond of State Fish and Game Warden and Deputy Wardens.** Before entering upon his official duties, the State Fish and Game Warden and Deputy Wardens shall take and subscribe the Constitutional oath of office and shall in addition, thereto, swear, or affirm, that he holds no other position or office, nor any position under any political committee or party, Such oath or affirmation shall be filed in the office of the Secretary of State.

The State Fish and Game Warden shall execute and file with the Secretary of State, a bond to the State of Montana in the sum of Ten Thousand Dollars ($10,000), with sureties thereon approved by the State

Treasurer, and each salaried Deputy State Fish and Game Warden shall file a bond with the Secretary of State, to the State of Montana in the sum of One Thousand Dollars ($1,000), with sureties thereon approved by the State Treasurer, conditioned for the faithful performance of the duties of their respective offices, and that they, respectively, will account for any and pay over, pursuant to law, all moneys received by them respectively. The State Fish and Game Warden and each of said Deputies shall be reimbursed for the premium on said bonds from the State Fish and Game Fund, upon the furnishing of a proper voucher therefor.

Section 3661. **Deputy State Fish and Game Wardens—Removal, Rating, Salary, etc.** The State Fish and Game Commission shall have power to remove, suspend without pay, to reduce in rank, to act as a trial board in hearing and passing upon charges against Deputy State Fish and Game Wardens, and to rate all such deputies on the basis of merit and efficiency, in accordance with such rules and regulations as it may adopt to secure a proper rating of Deputy State Fish and Game Wardens or to carry out the provisions of this section. It shall rate all Deputy State Fish and Game Wardens on the basis of merit and efficiency in two grades, to be known as the first and second grades. Deputy State Fish and Game Wardens shall not be removed unless furnished with reason for removal and given a hearing in his own defense. The salary of the Deputy State Fish and Game Warden shall be as follows: Those of the first grade a sum not exceeding One Thousand Eight Hundred Dollars ($1,800.00) per annum provided that the Commission may at its discretion pay not more than six (6)

first grade men a salary not exceeding Twenty-one Hundred Dollars ($2,100.00) per year; and those of the second grade a sum not exceeding One Thousand Six Hundred Fifty Dollars ($1,650.00) per annum.

Each Deputy State Fish and Game Warden shall be allowed his actual and necessary traveling expenses while away from his place of residence upon official business connected with his office, not exceeding the sum of Six Hundred Dollars ($600.00) per year, unless special work shall be ordered by the Fish and Game Commission; said expenses to be approved by said State Fish and Game Warden and to be paid upon proper vouchers from the State Fish and Game Fund.

Section 3662. **Special Deputy State Fish and Game Wardens.** The State Fish and Game Warden may appoint anyone who is a bona fide resident and citizen of the State as a Special Deputy Fish and Game Warden. Such Special Deputy Fish and Game Warden shall hold his appointment during the pleasure of the Commission, or State Game Warden, and shall have the same powers and duties as other Deputy State Fish and Game Wardens, but shall receive no pay for his service, except that the Commission may in its discretion, allow him his actual and necessary traveling expenses, and all expenses paid by him for transportation, board and lodging of persons under arrest for violation of the game, fish and fur-bearing animal laws, orders, rules and regulations, which, if allowed, shall be paid upon proper voucher from the State Fish and Game Fund.

Section 3663. **Sheriffs, Constables, Peace Officers and State Forest Officers.** All Sheriffs and their Deputies, Constables, all Peace Officers of the State, or any subdivision thereof, and all State Forest Officers,

are hereby made ex-officio State Fish and Game Wardens, without pay, except that the Commission may, in its discretion, allow actual and necessary traveling expenses, which, if allowed, shall be paid upon proper vouchers from the State Fish and Game Funds, and shall have the same powers with reference to the enforcement of the Fish and Game Laws of this State as regularly appointed Deputy State Fish and Game Wardens, and it is hereby made their duty to assist, wherever possible, in the enforcement of said laws.

Section 3664. **Superintendent of State Fisheries—Appointment and Bond.** The State Fish and Game Commission shall have general supervision over all hatcheries in the State, and shall appoint and employ a Superintendent of Fisheries, who shall be a competent person and a skilled fish culturist. He shall act solely under the direction of the State Fish and Game Commission. The output of all State Hatcheries shall be used to stock the lakes and streams of the State and shall be for free and impartial distribution within the State, such distribution to be under the direction of said Superintendent of Fisheries subject to an official order of the Commission. He shall have the power to exchange spawn or fish with other States or persons for distribution in this State. Before entering upon his official duties the Superintendent so appointed and employed by said Commission shall execute and file a bond with the Secretary of State in the sum of Two Thousand Dollars ($2,000.00), with sureties thereon approved by the State Treasurer, to the State of Montana, conditioned for the faithful performance of his official duties, and that he will account for and pay over, pursuant to law, all moneys received by him. He shall be re-

imbursed for the premium on said bond from the Fish and Game Fund of the State, upon presentation of a proper voucher therefor.

Section 3665. **Superintendent of State Fisheries—Salary.** The Superintendent of State Fisheries, appointed and employed by the Commission shall receive for his services a salary of not to exceed Thirty-six Hundred Dollars ($3,600.00), and his actual and necessary traveling expenses while absent from his place of residence and upon official business connected with his office, but in no instance shall he be allowed for such expenses a sum in excess of One Thousand Five Hundred Dollars ($1,500.00) in any one year, which shall be paid from the State Fish and Game Fund on proper vouchers.

Section 3666. **Superintendent of State Fisheries—Duties and Powers.** The Superintendent of State Fisheries shall have full control of all State Fish Hatcheries and shall be responsible for their construction, maintenance, and operation, subject at all times to an order of the Commission. All such construction work done under contract or otherwise, shall be done under control and supervision of said Superintendent of Fisheries, subject to his acceptance under the direction of the Commission. He shall have charge of the work of taking and collecting all spawn, the hatching of all spawn and eggs, rearing, propagating and distribution of fry, fingerlings, and fish, and with the consent of the State Fish and Game Commission, he shall have power and authority to employ such assistance and help as may be necessary in the operating of fish hatcheries of the State, the gathering of eggs, or the performance of any other work in connection with the protection, propagation and distribution of fish and fry. He shall have authority with

the consent of the Commission, to purchase so many eyed eggs from time to time, as may be necessary in order to keep the hatcheries of the State supplied with eggs and in full operation, the quality and kind of species of eggs to be determined by the Superintendent. He shall make every reasonable effort to collect sufficient eggs from the public streams or lakes of this State, to supply said hatcheries, and for that purpose shall have the right and authority to build, equip, and use fish traps and nets at any and all seasons of the year in all the public waters of the State. Said Superintendent shall have authority when authorized to by the Commission, to purchase the eyed eggs of fish not propagated in this State, for the purpose of stocking the waters in this State.

Section 3667. **State Fish and Game Commission—To Control State Waters for Propagation of Fish.** That from and after the passage of this Act, the State Fish and Game Commission is hereby given the right and authority to control the waters of any lake, pond, or stream, which may lie wholly within the limits of land owned by the State of Montana, so far as the use of said lake, pond or stream, for the breeding and propagation of game fish is concerned. Before such right to control any of such lake, pond, or stream, shall inure to the State Fish and Game Commission it shall be necessary for the Chairman of said Commission to notify the State Land Agent that any such lake, pond or stream, is wanted for the purposes herein mentioned, giving a description of the land by legal subdivision, when surveyed, or a sufficient general description when not so surveyed, whereupon it shall be the duty of the State Land Agent to make such entry upon his books and maps as may serve as notice to any leasor or purchaser of the

right claimed by the State, in any such lake, pond or stream, and said State Land Agent shall notify any leasor or purchaser or applicant to lease or purchase of the fact that a right to the use of such lake, pond or stream is so claimed; provided, however, that no such right as is hereby given shall continue for more than one year after such land is sold by the State, and further provided, that should it be found that the right to the control of any such lake, pond, or stream heretofore granted lessens the value of said land or prevents the ready sale thereof, that then and in that event the right hereby granted to the State Fish and Game Commission may be terminated upon giving sixty (60) days' notice of such termination to the Chairman of the State Fish and Game Commission.

Section 3668. **State Fish and Game Commission Shall Procure Plans for Buildings.** It shall be the duty of the State Fish and Game Commission of the State of Montana, to procure suitable plans and specifications for any buildings erected by their authority or under authority of the State Legislature, when the estimated value or cost of the same shall be more than One Thousand Dollars ($1,000.00), and said Commission shall cause said buildings to be built, erected and completed in accordance with such plans and specifications, by contract, said contract to be let after publishing notice stating the time and place of letting the same and where plans and specifications may be seen. Said notice shall be published not less than once a week for two weeks prior to the time of letting such contract, in some newspaper of general circulation in the county in which said building is to be erected, and elsewhere if deemed best by said Commission, and said Commission, if not satisfied with the bids

received, or for any other reason, may reject any and all bids received and readvertise as often as may be necessary. The contract shall be let to the lowest responsible bidder. Any person to whom a contract may be given shall be required to give a good and sufficient bond, conditioned for the faithful performance and completion of such contract, the same to be approved by the Commission, or some member of the Commission.

Section 3669. **Transfer of Funds.** All funds, appropriations and moneys provided for the purpose of administering or enforcing the present Fish and Game Laws of this State, and all funds, appropriations and moneys belonging to the Fish and Game Fund of this State and now under the control or in the possession of any officer, person or department of this State, shall be and hereby are placed under the control of the Commission hereby created, and shall be collected and disbursed by said Commission, pursuant to existing laws and provisions of this Act.

Section 3670. **State Fish and Game Fund.** All sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this State, from the appropriations, or received by the Commission from any other source, shall be turned over to the State Treasurer, and placed by him in a special fund known and designated as the "State Fish and Game Fund," provided, that out of any fines imposed by a court for the violation of this Act, the costs of prosecution shall be paid to the county where the trial was held, in any case where the fine is not imposed in

addition to the costs of prosecution. Said fund is hereby exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses and expenditures of every source and kind whatsoever, authorized to be made by the State Fish and Game Commission under the terms of this Act, and said funds shall be expended for any and all such purposes, by said Commission, subject to the proper audit and allowance by the State Board of Examiners and by appropriation by the Legislative Assembly of each session; provided, however, that all equipment, printing, materials and supplies of every nature required for the administration and operation of the State Fish and Game Commission must be requisitioned for through the State Purchasing Agent, and the State Purchasing Agent shall purchase all necessary equipment, printing, materials and supplies of every nature required for the administration and operation of the State Fish and Game Commission.

Section 3671. **State Fish and Game Warden—Clerk and Stenographer.** The State Fish and Game Warden appointed and employed by the State Fish and Game Commission of this State, shall have the right, subject to the approval of the Commission to employ such clerical and stenographic assistance as may be necessary for him to properly maintain his office and perform his official duties in his office, and the person or persons performing the same shall be paid monthly out of the Fish and Game Funds of the State upon proper voucher.

Section 3672. **Salaries, per Diem and Expenses—How Paid.** All salaries, per diem, expenses, and claims incurred by the State Fish and Game Commission, or any person appointed or employed by them, shall be

allowed by the State Board of Examiners upon the presentation of proper vouchers therefor, and shall be paid out of the State Fish and Game Funds, upon warrants properly drawn thereon; provided, however, that the aggregate of all salaries, per diem, expenses and claims presented for payment shall not exceed at any time the total amount in said State Fish and Game Fund. The State Fish and Game Commission shall approve all bills properly presented which have been incurred under its authority and by its direct order. The expenses of all Deputy State Fish and Game Wardens shall be approved by the State Fish and Game Warden, before they are paid, and the salary, per diem or expenses of any employee employed in the propagation or distribution of fish shall be approved by the Superintendent of State Fisheries, before they are paid. All items of expense, amounting to more than One and 50-100 Dollars incurred by any one employed in the State Fish and Game Department, shall be evidenced by a proper voucher or receipt before they shall be approved, allowed, or paid.

Section 3673. **Reports of State Fish and Game Warden, Superintendent of State Fisheries and Commission.** The State Fish and Game Warden and the Superintendent of State Fisheries, shall on or before the first day of June of each year make a written report to the State Fish and Game Commission of the operations of their departments during the preceding year, and the State Fish and Game Commission shall thereafter, and on or before the first day of November of each year transmit such report, together with a detailed report to the Governor, of its work and of moneys collected or received, with the sources thereof and all disbursements and expenditures with

the details connected therewith, the result of investigations made by it during the preceding year ending April 30th, with recommendations as to the measures to be taken or enacted to conserve and propagate the fish, game birds and game, and fur-bearing animals of the State, and if such recommendations embody legislation, drafts or bills to accomplish the purpose desired.

The Governor is authorized to have such reports printed.

Section 3674. **Publication of Laws.** As soon as practicable after the adjournment of each session of the Legislature, the State Fish and Game Warden, in cooperation with the Attorney General, shall make a compilation of the laws relating to fish, game, game birds and animals, as amended and in force at the date of such compilation, and properly index the same. Copies of said compilation sufficient in number for the purposes of this section, shall be printed in pamphlet form, pocket size. It shall be the duty of the State Fish and Game Warden to distribute to Justices of the Peace, Deputy Fish and Game Wardens, and other officers and persons empowered to issue licenses for hunting, fishing, and trapping, a supply of such compilation sufficient to permit one copy thereof to be given any one desiring the same. The expense incurred by printing said laws shall be paid out of the State Fish and Game Fund.

Section 3675. **Duty of Attorney General to advise Commissioners. Prosecuting Attorneys to Prosecute Complaints.** The Attorney General of the State is the legal adviser of the Commission, and shall, together with the several County Attorneys, enforce the provisions of this Act.

SECTION 3676 OF THE REVISED CODES OF MONTANA, OF 1935, RELATING TO THE CREATING, ALTERING OR THE ABANDONING OF BOUNDARIES.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 3676 of the Revised Codes of the State of Montana, of 1935, be, and the same is hereby amended to read as follows:

"Section 3676. **Creating Fish and Game Preserves, Refuges, Sanctuaries, Rest Grounds, Closed Districts and Closed Seasons.** Preserves, refuges, sanctuaries, rest grounds, or closed districts made or created by said Commission, and any land or water areas or portions thereof, closed by said Commission, shall be conspicuously posted for a period of twenty (20) days with posters setting forth their purposes and the penalties for violating the orders, rules and regulations of the State Fish and Game Commission applicable to them. Not less than twenty (20) days before any fish and game district, closed district, preserve, refuge, sanctuary, rest ground, so created by said Commission, or closure of land or water areas becomes effective, publication shall be made as provided in section 3677 hereof of the boundaries of such fish and game district, closed district, preserve, refuge, sanctuary or rest ground, so created by said Commission, such boundaries to be accurately designated by definite topographic monuments or public land survey. The hunting, pursuing, capturing, killing or taking of any fish or game animals or game birds or fur-bearing animals in violation of the rules, regulations or orders of the State Fish and Game Commission governing any

closed season, fish and game district, refuge, sanctuary, preserve, rest ground or closed and or water area, promulgated by said Commission shall be punishable with the same penalties as provided for the violation of the State Fish and Game Laws of this State, regarding closed seasons. All game preserves or refuges heretofore created are continued in full force and effect until such time as the same are changed by the Commission in the manner herein designated; provided, that said Commission shall have the right, power and authority when properly petitioned to alter, and change the boundaries of, or entirely do away with and abandon any preserve or refuge, excepting the Sun River Game Preserve, when in the opinion of said Commission, it is to the best interest to do so."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Section 3677. **Publications.** The orders, rules and regulations of the State Fish and Game Commission shall be published and posted in the following manner:

(1) Those having general application throughout the State shall be published in such manner and to such an extent as the State Fish and Game Commission deems necessary and may direct.

(2) Those of general or special character having local application only shall be published once in some newspaper having general circulation in the locality or district wherein such rules, regulations, or orders are applicable, and shall be posted in three conspicuous places in the locality or district in which they are applicable.

Section 3678. **Effect of Orders, Rules, and Regulations.** All orders, rules and regulations for the enforcement of the powers granted to the State Fish and Game Commission shall take effect and be in force, after publication and posting as in this chapter prescribed, and when so published or posted shall constitute legal notice.

Section 3679. **Violation of Orders, Rules and Regulations.** Any person who shall violate any of the provisions of any order, rule, or regulation of the State Fish and Game Commission made pursuant to the authority given it under this Act, shall be deemed guilty of a misdemeanor, and upon conviction be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than one hundred eighty (180) days, or by both such fine and imprisonment in the discretion of the court.

Section 3680. Sections 1949 to 1987, inclusive, of the Revised Codes of Montana of 1907, together with all Acts amendatory thereof; Chapter 87 of the Laws of 1909, Chapters 28 and 63 of the Laws of 1911, and Chapter 96 of the Laws of 1913; Sections 8 to 10, inclusive, and Sections 27, 29, 44, 45 and 46 of Chapter 173 of the Laws of the Fifteenth Legislative Assembly of Montana of 1917, and all Acts and parts of Acts in conflict herewith are hereby repealed.

If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or inoperative, such decision shall not affect the validity of the remaining portions of this Act.

Section 3681. For the purpose of this Act, the following shall be construed, respectively, to mean:

"Commission." The State Fish and Game Commission.

"Person." The plural or singular, male or female, as the case demands, including individual, associations, partnerships, and corporations, unless the context otherwise requires.

"Open Season." The time during which game birds, fish, game and fur-bearing animals may be lawfully taken.

"Closed Season." The time during which game birds, fish, game and fur-bearing animals may not be lawfully taken.

"Angling or Fishing." The taking of, or attempting to take, fish by hook and line or rod in hand.

"Upland Game Birds." Sharptailed grouse, blue grouse, prairie chicken, sage hen, or sage grouse, fool hen, ruffed grouse, commonly called native pheasant or native partridge, quail, Chinese pheasant and Mongolian pheasant, commonly called ringnecked pheasant, Hungarian partridge, ptarmigan, and wild turkey.

"Migratory Game Birds." Waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown sandhill and whooping cranes; rails, including coots, gallinules, sora or other rails, shore birds, including avocets, curlew, dowitcher, gotwits, knots, upland plover, killdeer, sandpipers, Wilson snipes, or jacksnipes, snipes, stilts, plovers, willets and yellowlegs; and mourning or turtle doves.

"Non-Game Birds." All wild birds not defined herein as upland game birds or migratory game birds, shall be deemed non-game birds.

"Game Animals." Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, and bear.

"Fur-bearing Animals." Marten or sable, otter, fox, muskrat, fisher, mink, raccoon, and beaver.

"Predatory Animals." Coyote, wolf, wolverine, mountain lion, lynx, weasel, skunk, and civet-cat, black-footed ferret, and bobcat.

"Game Fish." Mountain trout, cutthroat or native trout, (Salmo Mykiss); rainbow trout, (Salmo Irideus); Eastern brook trout, (sal velinus Fontinalis); Grayling, (Thymallus Montanus); Steelhead trout, (Salmo Rivularis); Dolly Varden trout, (Salvelinus Malma); Loch Leven trout, (Salmo Trutta Levenesis); Chinook salmon, (Oncorhynchus Tschawytscha); Silver salmon, (Oncorhynchus Kisutch); Sock-eye salmon, (Oncorhynchus Nerka); Rocky Mountain whitefish, (Coregonus Williamsoni); Yellow perch, Ringed perch, (Perca Flevenscens); large mouth black bass, (Micropterus Salmoides); small mouth black bass, (Micropterus Dolomieu); common sunfish, pumpkinseed, (Lepomin Gibosus); Great Northern pike, Northern pickerel, (Esox Lucius); pike, perch, wall-eyed pike, pike, yellow pike, (Stizostedion Vitreum); Mackinaw trout, (Salvelinus Namaycush).

Section 3682. **License Required.** It shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to pursue, hunt, trap, take, shoot, kill or attempt to trap, take, shoot, or kill, any

game animal, or any game bird, or any fur-bearing animal, or to take, kill, trap, or fish, for any fish within this State, or to have, keep or possess within this State, any game animal, game bird, fur-bearing animal, or game fish, or parts thereof, except as herein provided or shall be provided by the State Fish and Game Commission, or for any person to pursue, hunt, trap, take, shoot or kill, or attempt to trap, take, shoot or kill, any game animal, gamebird, or fur-bearing animal, or take, kill, trap, or fish for, any fish except at the places and during the periods and in the manner herein defined or shall be defined by the State Fish and Game Commission, or for any person to pursue, hunt, trap, take, shoot or kill, or attempt to trap, take, shoot or kill, any game animal, game bird, or fur-bearing animal, or take, kill, trap, or fish for, any fish within this State, or have, keep, or possess, sell, purchase, ship or reship, any imported or other fur-bearing animal, or parts thereof, without first having obtained a proper license or permit from the Commission so to do.

The provisions of this Act relative to licenses and permits shall be in full force and effect on and after May 1, 1927.

Section 3683. **Classes of Licenses.** Licenses shall be divided into the following classes:

Class A. Resident Game Birds and Fishing License;

Class AA. Resident Big Game License;

Class AAA. Resident Sportsman's License.

Class B. Non-Resident Fishing License;

Class BB. Non-Resident Limited Fishing License;

Class B-1. Non-Resident Game Bird License;

Class B-2. Non-Resident Big Game License;
Class C. Alien Fishing License;
Class C-1. Alien Game Bird License;
Class C-2. Alien Big Game License;
Class D. Trapper's License;
Class D-1. Land-Owners' Trapping License;
Class E. Fur Dealer's License.

Section 3684. **Application for License.** Such license shall be procured from the State Fish and Game Warden, or any salaried or Special Deputy State Fish and Game Warden, any Justice of the Peace, or any person authorized by the State Fish and Game Warden. Before giving any person other than a Salaried Deputy State Fish and Game Warden, or any Justice of the Peace, the authority to sell or issue licenses, the State Fish and Game Warden may exact from such person a bond not to exceed the sum of One Thousand Dollars ($1,000.00), to be approved by the State Fish and Game Warden, conditioned that such person will turn over to the State Fish and Game Warden all sums received by him for such licenses, which said bond shall run to the State of Montana. The applicant shall fill out a blank application furnished by the Commission, stating the name, age, occupation, place of residence, and postoffice address of the applicant, the length of time in the State of Montana; whether a citizen of the United States or an alien, and such other facts or descriptions as may be required by the Commission. Said application shall be subscribed and sworn to by the applicant before any officer authorized to administer oaths in this State, and the persons or officers hereby authorized to issue licenses are also hereby authorized to administer oaths to applicants for such licenses.

Section 3685. **Fees and Powers Under Licenses.** Said applicant, if a resident of the State of Montana and a citizen of the United States, shall pay to the officer or person countersigning and issuing the license the sum of Two Dollars ($2.00) as a license fee, and shall obtain a license of Class A, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game birds and to fish with hook and line or rod in hand as authorized by this Act.

Said applicant, if a resident of the State of Montana and a citizen of the United States, shall pay to the officer or person countersigning and issuing the license the sum of One Dollar ($1.00), and shall obtain a license of Class AA, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess any of the game animals of this State as authorized by this Act; provided, however, that said applicant, in order to obtain said Class AA license must be the owner and possessor of a Class A license, as herein above defined.

Said applicant, if a resident "Sportsman" of the State of Montana and a citizen of the United States, may pay to the officer or person countersigning and issuing the license the sum of Five Dollars ($5.00) as a license fee, and shall obtain a license of Class AAA, herein designated as a resident "Sportsman's" license which shall entitle the holder to pursue, hunt, kill, capture, take and possess game, game birds and game animals and to fish with hook and line or rod in hand as authorized by this Act.

All citizens of the United States who have lived in this State at least six months immediately preceding their application for a license, or officers, soldiers, sailors and marines of the United States army, navy, or

marine corps, shall be deemed resident citizens for the purpose of this section, as well as officers of the Forest Service and of the Biological Survey of the United States Department of Agriculture.

Said applicant, if a non-resident of the State or a resident for less than six months immediately preceding his application for a license and a citizen of the United States, shall pay to the officer countersigning and issuing the license the sum of Three and 50-100 Dollars ($3.50) as a license fee, and shall obtain a Class B license, which shall entitle the holder to fish with hook and line or rod in hand as authorized by this Act.

Said applicant, if a non-resident of the State or a resident for less than six (6) months immediately preceding his application for a license and a citizen of the United States shall pay to the officer issuing the license the sum of One Dollar and Fifty Cents ($1.50) as a license fee and shall obtain a Class BB license, which shall entitle the holder to fish with hook and line or rod in hand as authorized and limited by law for a period of fifteen (15) days from and after the date of issuance of such license; and such non-resident, on like application and on payment of the sum of Ten Dollars ($10.00) as a license fee, shall obtain a Class B-1 license, which shall entitle him to pursue, hunt, shoot, kill, and take game birds, as authorized by this Act; and such non-resident, on like application and on the payment of the sum of Thirty Dollars ($30.00), as a license fee, shall obtain a license of Class B-2, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game animals, as authorized by this Act.

Said applicant, if an alien, resident or non-resident, shall pay to the officer countersigning and issuing the license, the sum of Ten Dollars ($10.00), as a license fee, and shall obtain a Class C license, which shall entitle him to fish with hook and line or rod in hand, as authorized by this Act; and such alien, on like application, and on the payment of the sum of Thirty Dollars ($30.00), as a license fee, shall obtain a license of Class C-1, which shall entitle him to pursue, hunt, shoot, kill and take game birds as authorized by this Act; and such alien, on like application and on the payment of the sum of Fifty Dollars ($50.00) as a license fee, shall obtain a license of Class C-2, which shall entitle him to pursue, hunt, shoot, kill, capture, take and possess game animals, as authorized by this Act, provided, however, that any person in possession of first citizenship papers shall not be considered a resident of the State of Montana for the purpose of this Act.

To every license, whether issued to a resident, non-resident, or alien, which authorizes the licensee to kill elk or deer in this State, there shall be attached to said license certain tags, coupons or other markers, the form of which shall be prescribed by the State Fish and Game Commission, and when any person shall take or kill any deer or elk under such license such person shall immediately thereafter detach from his license, and attach in plain sight to the carcass of said animal or animals, the proper tag, coupon or other marker, which said tag, coupon or other marker shall be kept attached thereto so long as any considerable portion of the carcass remains unconsumed. When the proper tag, coupon or other marker is so attached to the said game so killed, the same may be possessed, used, stored and transported; provided the necessary permit

to transport the same accompanies the shipment. To said license to hunt or take elk or deer shall also be attached a card, which said card shall on or before the first day of January of the year following the date of the issuance of said license, be returned by the holder of said license to the Fish and Game Commission and a report made to said Commission of the Game taken under said license and the place where the same was taken, it being the intent of this Act to require every licensee to make said report whether any game was taken under said license or not. It shall be unlawful and a misdemeanor punishable accordingly for any one killing any deer or elk under said license, to fail or neglect to attach the tag, coupon or other markers so provided by said license to any deer or elk killed by them immediately after the same had been killed or to fail to keep said tag, coupon or other marker attached to said deer or elk or portions thereof while the same is possessed by him.

Said applicant for a Class D license, or trapper's license, must be the owner and in possession of a Class AA license, and upon the payment of the sum of Ten Dollars ($10.00) to the officer to whom the application for a Class D license is made, shall receive and obtain a Class D license, or trapper's license, which shall authorize the holder thereof to trap fur-bearing animals within the State at such times and in such manner as may be lawful so to do under the laws of this State and the regulations of the Fish and Game Commission, and at such places as may be designated in said license.

All sums collected for licenses sold, or received for permits issued, from the sale of seized game, or from fines, or the sale

of firearms or other chattels confiscated, from damages collected for violations of the fish and game laws of this State, from appropriations, or received by the State Fish and Game Commission from any and all other sources are hereby appropriated to and placed under control of the State Fish and Game Commission. All moneys so received shall be remitted by the State Fish and Game Warden to the State Treasurer to be by him placed to the credit of the Fish and Game Fund.

The sum of Seven Thousand Five Hundred Dollars ($7,500.00) shall be transferred on or before January first of each year from the Fish and Game Fund to the Bounty Fund of the State to be used to pay bounties on predatory animals as provided by law; said sum of Seven Thousand Five Hundred Dollars ($7,500.00) shall be matched with a like sum of the said Bounty Fund money derived from the tax on livestock now provided by law providing a fund of Fifteen Thousand Dollars ($15,000.00). At the close of any bounty paying season of any year, fifty per centum (50%) of any unexpended balance shall be re-transferred to the State Fish and Game Fund. Nothing herein contained shall be so construed as to prevent the Livestock Commission from expending from its Bounty Fund any part thereof in excess of Fifteen Thousand Dollars ($15,000.00), which may be necessary for the purpose of paying bounties.

An Act to Authorize a Trapper's License Restricted to Lands Owned or Occupied by Applicant.

Be It Enacted by the Legislative Assembly of the State of Montana:

A license to trap may be procured by the owner or tenant, or members of the imme-

diate family thereof, of real estate for the purpose of trapping on his own land or land leased by him, upon a payment of a license fee of One Dollar ($1.00) and on making an application such as required for other trapping licenses by the laws of this State. No other license shall be required of such applicant. Such license shall authorize the holder thereof to trap any fur-bearing animals except beaver on lands owned or leased by him at such times and in such manner as may be lawful so to do under the laws of this State and the regulations of the Fish and Game Commission and at such places as may be designated in said license.

Chapter 42. Session Laws, 1929. **Fur Dealer's License.** Any person or persons, firm, company or corporation engaging in, carrying on, or conducting wholly or in part the business of buying or selling, trading or dealing, within the State of Montana, in the skins or pelts of any animal or animals, designated by the laws of Montana as fur-bearing or predatory animals, shall be deemed a fur dealer within the meaning of this Act. If such fur dealer resides in or if his or its principal place of business is within the State of Montana, he or it shall be deemed a resident fur dealer. All other fur dealers shall be deemed non-resident fur dealers.

Every fur dealer shall keep a book in which shall be recorded separately on the date of each transaction the following facts:

The number and kind of all skins or pelts purchased or sold by such fur dealer.

The place where such skins or furs were killed or trapped and a separate record of all such skins or pelts as were killed or trapped outside the State of Montana.

The trapping license number under which such furs or pelts were taken in cases where a trapper's license is required for the taking thereof.

The names and addresses of the persons to whom such skins or pelts were sold or from whom they were purchased.

Said book shall be open at all reasonable times to the inspection of the State Fish and Game Warden or any of his deputies, or any United States Game Warden, and shall be preserved and accessible for one year after the expiration of any license granted to said fur dealer.

All fur dealers as defined in this Act shall before buying, selling or in any manner dealing in the skins or pelts of any fur-bearing or predatory animal within the State of Montana secure a fur dealer's license from the State Fish and Game Warden, provided that no license shall be required for a hunter or trapper selling skins or pelts which he has lawfully taken, nor for any person not a fur dealer who purchases any such skins or pelts exclusively for his own use and not for sale.

The following classes of licenses shall be issued to wit:

Resident fur dealer's license;

Non-resident fur dealer's license;

Fur dealer's agent's license;
and the following fees charged therefor:

Resident fur dealer's license, One ($1.00) Dollar.

Non-resident fur dealer's license, Twenty-five ($25.00) Dollars.

Fur dealer's agent's license, Ten ($10.00) Dollars.

Any person who is employed by a resi-

dent or non-resident fur dealer as a fur buyer shall be deemed a fur dealer's agent.

Application for a fur dealer's agent's license must be made by the fur dealer employing said agent and no agent's license shall be issued until the necessary fur dealer's license has been first secured by the employer of said agent.

The license required by this Act shall be issued annually and shall expire on April 30 of each year and no reduction in the fee charged for said license shall be made in any case where said license runs for less than one year.

Any person, firm, company, or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars ($25.00) nor more than Three Hundred Dollars ($300.00) or shall be imprisoned in the county jail for not to exceed thirty days or shall suffer both such fine and imprisonment.

Section 3687. **Disposition of Fees.** The license fees provided to be paid in this section, shall be remitted by the officers or persons issuing said licenses on the tenth and twenty-fifth days of each month to the State Fish and Game Warden, with a schedule setting forth the name and residence of each licensee, and the serial number and class of, and the amount paid for each license issued. The fee provided to be paid to the officer or person issuing a license shall be retained by him for his compensation. The license fees received by the State Fish and Game Warden shall be remitted on the tenth and twenty-fifth days of each month with a schedule setting forth the name and residence of each licensee, the serial number and class of, and the amount

paid for, each license, to the State Treasurer, and placed by him in a special fund known and designated as the State Fish and Game Fund. Said fund is hereby exclusively set apart and made available for the payment of salaries, per diem, fees, expenses and expenditures of every sort and kind whatsoever authorized to be made by the State Fish and Game Commission, and said funds shall be expended for any and all such purposes by said Commission, subject to the proper audit and allowance by the State Board of Examiners.

Section 3688. **Form and Contents of Licenses.** The form of the license shall be determined and the license blanks prepared by the Commission and by it furnished to the officers and persons authorized to issue the same. Said licenses shall be issued in the name of the Commission and be countersigned by the officer or person issuing the same. Each license issued shall be signed by the licensee in ink or indelible pencil on the face thereof.

Section 3689. **Carrying and Exhibiting License.** It shall be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for any person to whom a license or permit has been issued to fish for or take any fish, or pursue, hunt, shoot, kill, or take, any game bird or game animal or attempt to trap, or trap, or take, any fur-bearing animal in this State unless at the time he shall have such license or licenses, or permit, in his possession, and it shall be unlawful to refuse to exhibit the same for inspection to any Deputy State Fish and Game Warden or other officer requesting to see the same.

Section 3690. **Termination of License.** Such licenses shall be void after the thirtieth (30th) day of April next succeeding their issuance.

Section 3691. **EXCEPTION.** The provisions of the Act shall not apply to persons pursuing, hunting, capturing, shooting, killing, taking, or trapping, or attempting to kill, take or trap predatory animals, prairie dogs, ground squirrels, jack rabbits, gophers, or English sparrows, crows, hawks, fish ducks, blue heron, snow owls, great gray owls, great horned owls, blackbirds, kingfishers, magpies, jays and eagles, which may be pursued, hunted, taken, killed, shot, trapped, possessed or transported at any time; and minors under fifteen (15) years of age may pursue, hunt, shoot, kill, take and capture game birds, and fish for and take fish, during the open season without a license.

Section 4. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction and unless as herein otherwise provided, shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than one hundred eighty (180) days or by both such fine and imprisonment; and in addition thereto, shall, in the discretion of the court, forfeit his license to hunt, fish or trap within this State for a period of one (1) year from the date of his conviction.

Section 3692. **Alteration or Transfer of License.** No person shall at any time alter or change in any material manner, or loan or transfer to another, any license, issued in pursuance to the provisions of this Act, nor shall any person other than the person

to whom it is issued use the same. Any person who shall swear or affirm to any false statement in application for a hunting, fishing or trapping license, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished accordingly. Any false statement contained in any application for such license shall render the license null and void.

Section 3693. **Report.** On the thirtieth (30th) day of April of each year, each Deputy or Special Deputy Fish and Game Warden and each other officer or person authorized to issue licenses, shall detach the stubs of licenses issued by him, and forward the same, together with all unused licenses, securely attached to a report of the number issued and the amount of license money received, to the State Fish and Game Warden, whose duty it shall be to see that proper returns are made to him by all such wardens, other officers or persons; and the State Fish and Game Warden shall recapitulate and tabulate the total number of licenses of all kinds issued in the State and the fees received therefor, and he shall include such data in his report remitting the fees to the Treasurer.

Section 3694. **Restrictions of Manner of Taking and Possessing Fish and Game and Powers of Commission Relating Thereto.** It shall be unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill, any game animal, or game bird from any automobile or on or from any public highway in the State of Montana or by the aid or with the use of any set gun, jack-light, or other artificial light, trap, snare, or salt lick, nor shall such set gun, jack-light or other artificial light, trap, snare, salt lick or other device to entrap or entice game animals or game birds be used,

made or set; provided, however, that this does not prohibit the shooting of wild water fowl from blinds or over decoys with a gun only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured or taken or attempted to be caught, captured or taken by the aid or with the use of any gun, or trap, nor shall any such set gun, or trap or other device to entrap game fish be used, made, or set, nor shall any game birds or game or fur-bearing animals be killed, taken or hunted from an aeroplane, nor shall any aeroplane be used for the purpose of concentrating, pursuing, driving, rallying, or stirring up any game or migratory birds, game or fur-bearing animals, nor shall any power boat, sail boat, or any boat under sail or any floating device towed by a power boat, sail boat, or any boat under sail be used for the purpose of killing, capturing, taking, pursuing, concentrating, driving or stirring up any game birds, or migratory water fowl, or game or fur-bearing animals, nor shall any person take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm; nor shall any person chase with dogs any of the game or fur-bearing animals as defined by the Fish and Game Laws of this State; provided, however, that livestock owners, employees of the State Fish and Game Commission and of the United States Bureau of Biological Survey may use dogs in the pursuit of stock killing bears, or other means of taking stock killing bears except the use of dead fall; providing, however, that traps used in capturing bear shall be inspected twice each day, which inspection shall be twelve hours apart; and provided

urther, that a person may take game birds uring the open season thereof, with the aid f a dog or dogs and any person or associa- ion organized for the protection of game, nay run field trials at any time upon obtain- ng written permission from the State Fish nd Game Warden.

It shall hereafter be unlawful for any per- on to catch or take from the waters of this tate more than twenty-five (25) fish in he aggregate, with a net weight of twenty 20) pounds and one (1) fish in any one 1) day, of the variety of fish designated erein as game fish, nor more than five (5) uch game fish which are less than seven 7) inches in length, except sunfish, yellow erch, ring perch, and bullheads, in any one 1) day. It is hereby declared to be the ntention of this Act to provide that twenty- ive (25) fish, with a net weight of not more han twenty (20) pounds and one (1) fish f any and all the game fish, shall consti- ute the limit for a day's fishing. It shall e unlawful for any person to be in posses- ion of more than five (5) game fish which re less than seven (7) inches in length, or nore than twenty-five (25) fish in the ag- gregate, or more than twenty (20) pounds et weight and one (1) fish of any and all kinds of game fish at any one (1) time. This section shall apply to both fresh game fish and to game fish which have been dried, salted or otherwise cured.

It shall be lawful to catch fish in the Yellowstone, Missouri and Kootenai Rivers at any season of the year with hook and line, or rod in hand, and ling may be caught in said rivers at any season of the year with set-lines; provided, however, that the Com- mission shall have the power to limit the fishing for ling to angling when it is ascer- tained that game fish are being caught with said set-lines. It shall be lawful to take by

angling non-game fish in any quantity from any of the waters of the State during the open season pertaining to such waters.

Game fish shall be taken only by angling that is, by hook and line in hand or rod in hand; this does not prevent, however, the use of a landing net or gaff to land a game fish after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a small hand net.

That from and after the twentieth day of May, 1931, it is hereby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any imitation thereof, or substance prepared therefrom and it shall also be unlawful for any person or persons to use in any of the waters of this State any salmon eggs or other fish spawn, or any imitation or substance prepared therefrom, as a fish bait or fish lure.

It shall be unlawful to catch any game fish through the ice, or through a hole in the ice except in such waters as are designated under proper order of the State Fish and Game Commission. In case any game fish is unintentionally taken contrary to the prohibitions or restrictions contained in this Act, such fish shall be immediately liberated and returned to the water without unnecessary injury.

It shall be unlawful for any person between the fifteenth day of March and the twentieth day of May, both dates inclusive of the same year, to catch or attempt to catch, in the waters of this State any fish whatsoever, except when license or permit has been given to seine, net or trap carp, buffalo-fish, and suckers, and providing that the Commission shall have the power and authority, whenever in its opinion conditions

warrant it, to permit the sale of Rocky Mountain Whitefish and Dolly Varden trout under such rules, regulations, and conditions as it may prescribe, and also, to suspend and set aside the maximum limit of fish of these varieties one may catch in a single day or have in his possession at one (1) time.

The State Fish and Game Commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions.

Whenever said Fish and Game Commission shall have made any orders, rules or regulations for the carrying out of the powers granted to it under this Act, the same shall take effect and be in force from and after the publication and posting of notice of said orders, rules and regulations as is required by the Fish and Game Laws.

Any person who shall pursue, hunt, trap, possess, take, capture, shoot or kill any fish, game bird, game or fur-bearing animals, or have, keep, possess, sell, purchase, ship or reship any game fish, game bird, game or fur-bearing animals of this State in any manner contrary to the provisions of this Act or to the orders, rules and regulations of the Fish and Game Commission made pursuant to the authority given it under this Act, shall be deemed guilty of a misdemeanor and upon conviction be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than one hundred eighty (180) days or by both such fine and imprisonment, and in addition thereto, shall, in the discretion of the court, forfeit his license to hunt, fish or trap within this State for a period of one (1) year from the date of his conviction.

If any section, subsection, sentence, clause

or phrase of this Act shall for any reason, be held unconstitutional or inoperative, such decision shall not affect the validity of the remaining portions of this Act.

All Acts and parts of Acts in conflict herewith are hereby repealed.

An Act Defining the Navigable Public Waters of the State and Authorizing Anglers to Go Along Such Waters for the Purpose of Fishing Therein.

Be It Enacted by the Legislative Assembly of the State of Montana:

All lakes, wholly or partly within this State, which have been meandered and returned as navigable by the surveyors employed by the Government of the United States, and all lakes which are navigable in fact are hereby declared to be navigable and public waters, and all persons shall have the same rights therein and thereto that they have in and to any other navigable or public waters.

All rivers and streams which have been meandered and returned as navigable by the surveyors employed by the Government of the United States, and all rivers and streams which are navigable in fact are hereby declared navigable.

Navigable rivers, sloughs or streams between the lines of ordinary high water thereof, of the State of Montana, and all rivers, sloughs and streams flowing through any public lands of the State, shall hereafter be public waters for the purpose of angling, and any rights of title to such streams, or the land between the high water flow lines or within the meander lines of navigable streams, shall be subject to the right of any person owning an angler's license of this State who desires to angle

therein or along their banks to go upon the same for such purpose.

All Acts and parts of Acts in conflict herewith are hereby repealed.

This Act shall be in full force and effect from and after its passage and approval.

Chapter 23, Session Laws 1929. **Relating to the Hours of Fishing in Georgetown Lake.** It shall be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for any person to fish for or attempt to take in any manner any fish from the waters of Georgetown Lake situated in Deer Lodge and Granite counties, State of Montana, during the hours intervening between 9:30 o'clock P. M. Mountain time of each day and 5:00 o'clock A. M. Mountain time of each following day.

Any person violating any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Three Hundred Dollars ($300.00), or by imprisonment in the county jail for not less than ten days nor more than one hundred days, or by both such fine and imprisonment, and in addition thereto, shall in the discretion of the court, forfeit his or her license to hunt or fish within the State of Montana for a period of one year from the date of conviction.

Private Fish Ponds.

Section 3695. Any person who owns or lawfully controls an artificial lake or pond may stock the same with fry procured from the Federal or from the State Government at the prevailing market prices, providing there is a surplus of said fry, or from any other lawful source, and shall thereafter have

the right and privilege to take from said lake or pond in any manner, except by the use of poison or explosives, the fish therein contained, and to sell and dispose of said fish and of eggs and fry therefrom. The words "artificial lake or pond" as herein used shall not be construed to include any natural pond or body of water created by natural agencies, but shall be limited only to such bodies of water as are created by the artificial diversion or storage of water and shall not exceed 500 acres of surface area.

Provided, however, that such owner shall procure a license in the manner provided by the laws of the State of Montana, and shall furnish a good and sufficient bond to the State of Montana, in the sum of Two Hundred Dollars ($200.00), conditioned to the effect that he will not sell fish caught in any of the public waters of this State, and also conditioned to the effect that such owner or holder will report to the State Game Warden the quantity of fish, fish eggs and spawn taken from said lake or pond, and sold from and planted in, said lake or pond during any calendar year. Said report to be made under oath annually in the month of January of each year.

An Act to Prohibit the Offering or Giving of Bag Limit Prizes for any Game or Fish Taken Within This State and Providing for Penalties for the Violation Thereof.

Be It Enacted by the Legislative Assembly of the State of Montana:

Chapter 82, Laws 1935. Section 1. That it shall be unlawful for any person, firm, corporation, association or club to offer or give any prize, gift or anything of value in connection with, or as a bag limit prize for, the taking, capturing, killing, or in any

manner acquiring any game, fish, fowl, fur-bearing animals, or any fish, bird or animal now, or that shall be hereafter, protected in any way by the fish and game laws of the State of Montana.

This Act shall not be construed to prohibit the award of prizes for any one game bird, animal, fish or fur-bearing animal on the basis of size, quality, or rarity.

Section 2. Any person, firm, corporation, association, or club violating any of the provisions of Section 1 of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00) for each such offense.

Section 3696 and 3697 of the Revised Codes of the State of Montana, 1921, as amended by Chapter 192 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, and again amended by Chapter 59 of the Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, relating to Open Season for Elk and Deer.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3696 of the Revised Codes of Montana, 1921, as amended by Chapter 192 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, and Chapter 59 of the Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, and Chapter 1, of the Laws of 1935, be and the same is hereby amended to read as follows:

Following Regulations Subject to Change by Order of Fish and Game Commission:

Section 3696. **Open Season for Elk.** The open season for elk shall begin October fifteenth (15th) and end November fifteenth (15th), both dates inclusive, of each year. The closed season for elk shall begin November sixteenth (16th) of each year and end October fourteenth (14th) of the following year, both dates inclusive; provided, however, that in all of that portion of Ravalli county drained by the West Fork of the Bitter Root river and in all of that portion of Ravalli county lying west of the Bitter Root river and north of the confluence of the East and West Forks of said Bitter Root River; the open season for elk shall begin with the twentieth (20th) day of September and end with the twentieth (20th) day of October, both dates inclusive, except, however, that the State Fish and Game Commission may in its discretion shorten the open season in such territory in Ravalli county; provided further that during the open season one elk of either sex may be killed in that portion of Mineral county lying south of the Missoula river and east of the Little Saint Joe Game Preserve. During the open season for elk, it shall be unlawful and punishable as hereinafter provided, for any person to shoot, or kill, or take or cause to be shot, or killed, or taken, more than one (1) elk, or for any person during the closed season for elk, to pursue, hunt, shoot, kill, take or capture or cause to be pursued, hunted, shot, killed, taken or captured, or attempt to shoot, kill, take or capture, any elk, or for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food; provided, also, that it shall be unlawful and a misdemeanor, pun-

shable as in this Act provided, for any person at any time to pursue, hunt, shoot, kill, take or capture, or cause to be shot, killed, taken or captured, or attempt to shoot, kill, take or capture, any elk within the counties or parts of counties hereinafter described and which are designated hereby as "preserve for elk," the same to remain closed until opened by the State Legislature, or by order of the State Fish and Game Commission, which Commission is hereby authorized to provide limited open seasons in such counties and for such areas as in its judgment is warranted and to provide necessary rules and regulations governing such limited open seasons.

The following named counties as a whole: Deer Lodge, Fergus, Choteau, Valley, Golden Valley, Daniels, Roosevelt, Fallon, Wibaux, Richland, Granite, Phillips, Stillwater, Sanders, Silver Bow, Broadwater, Musselshell, Hill, Sheridan, Judith Basin, McCone, Big Horn, Lincoln, Rosebud, Beaverhead, Powder River, Garfield, Carbon, Cascade, Meagher, Blaine, Yellowstone, Liberty, Carter, Custer, Prairie, Dawson, Toole, Ravalli, Treasure, Wheatland, Lake, Jefferson and Sweet Grass. Provided that one (1) elk of either sex may be killed in that part of Granite county lying south and west of the Deer Lodge River from and including November 12th to and including November 15th of the same year.

All of Lewis and Clark county, except that portion lying and being within the following described boundaries: Beginning at the point where the Big Blackfoot River intersects the county line between Lewis and Clark and Powell Counties, running thence up the north bank of the Blackfoot River to the mouth of Cadotte Creek, thence up Cadotte Creek to the top of the Continental

Divide, thence northerly along the Continental Divide to Scapegoat Mountain where the headwaters of the North Fork of the Blackfoot begin, thence down the North Fork of the Blackfoot River to its intersection with the county line between Lewis and Clark and Powell counties, thence along said county line to the point of beginning. In said excepted portion of Lewis and Clark county the open season on elk shall begin November first (1st) and end November fifteenth (15th), both dates inclusive, of each year.

Also all of Missoula and Powell counties, except the drainage area of the Clearwater River and its tributaries and that portion of said counties north of the Big Blackfoot River and east of the drainage area of the Clearwater River and except that portion of Missoula County within the drainage area of Swan River and its tributaries and except that portion of Missoula and Powell counties within the drainage area of the South Fork of Flathead River and its tributaries.

All of Gallatin county shall be open to elk hunting except that portion lying north of the township line between townships three (3) and four (4) north.

Provided further, that nothing herein shall be construed to authorize the hunting of game of any kind within the Spotted Bear Game Preserve, Sun River Game Preserve, or the Gallatin Game Preserve, or any other game preserve or refuge now established, or which may be hereafter established, by the State Legislature or by orders of the Fish and Game Commission.

Provided further, that elk may be killed as provided herein, in the county of Park from and including October fifteenth (15th) to and including the first (1st) day of March of any year, except that the State

Fish and Game Warden shall, in his discretion, have power to shorten such season and declare said Park county closed to the hunting or killing of elk at any time during the open season in Park county, upon giving no less than five (5) days' notice thereof by publishing such notice in at least one (1) newspaper of general circulation published in said Park county, which said publication shall be at least five (5) days prior to the time fixed by such Warden for the closing of such season. And, provided further, that it shall be unlawful and a misdemeanor punishable as in the section provided, for any person to shoot or kill, or attempt to kill any elk in Park county between the hours of five (5) P. M. of any day and eight (8) A. M. of the following day, Mountain time. Any person violating any of the provisions of this section or any of the orders of the Fish and Game Warden relating hereto shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not less than thirty (30) days or not more than six (6) months or by both such fine and imprisonment.

Chapter 32, Session Laws 1929. That the open season for elk in Teton county, Montana, not included within a game preserve, and all that portion of Lewis and Clark county, Montana, lying north of the North Fork of the Dearborn River, and not included within the game preserve, shall begin October 15, and end December 1, both dates inclusive, of each year; provided, however, that the Montana State Fish and Game Warden shall in his discretion have power to shorten such season in said territory and declare said territory closed to the hunting

or killing of elk at any time during the open season therein upon giving no less than five (5) days' notice thereof.

During the open season for elk in the territory described and set forth in Section 1 of this Act, it shall be unlawful and a misdemeanor punishable as hereinafter provided, for any person to shoot, kill, take or cause to be shot, killed, taken, more than one elk or for any person during the closed season for elk to pursue, hunt, shoot, kill, take, capture, or cause to be pursued, hunted, shot, killed, taken or captured, or attempt to shoot, kill, or take any elk within said territory or for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food.

Any person violating any of the provisions of this Act or any of the orders, rules or regulations of the Montana State Fish and Game Commission relating hereto, or made pursuant to the authority given it by this Act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

That whenever elk, imported within the State of Montana, or any portion thereof, have increased in numbers to such an extent that in the judgment of the State Fish and Game Commission their number should be reduced, and special or private property is being actually or materially damaged or destroyed by said elk, and a written complaint of such damage has been filed by the owners or lessees of said property with the State Fish and Game Commission, the said Commission shall have the power and au-

hority whenever, in its opinion, conditions warrant it, to take, kill, remove or dispose of such elk, or to permit the same to be taken, killed, removed or disposed of under such rules, regulations and conditions as it may prescribe and promulgate.

Whenever antelope within the county of Choteau, State of Montana, have increased in numbers to such an extent that, in the judgment of the State Fish and Game Commission, their number should be reduced, and special or private property is being actually or materially damaged or destroyed, by said antelope in said Choteau county, and written complaint of such damage has been filed by the owners or lessees of such property with the State Fish and Game Commission, the said Commission shall have the power and authority whenever, in its opinion, conditions warrant it, to take, kill, remove or dispose of such animals, or to permit the same to be taken, killed, removed or disposed of under such rules, regulations, and conditions as it may prescribe and promulgate.

That whenever the fish within the county of Lake, State of Montana, shall have increased in numbers to such an extent that in the judgment of the State Fish and Game Commission, their numbers should be reduced, the Commission shall have the power and authority to take, kill, remove, or dispose of such fish or to permit the same to be taken, killed, removed, or disposed of under such rules, regulations and conditions as it may prescribe and promulgate.

In case any revenue is derived from the taking, killing, removing, or disposing of such fish and animals as above described in this Act, the same shall be deposited in the State Fish and Game Commission Fund.

Whenever said Commission shall have made any order, rules or regulations for the

carrying out of the powers granted to it under this Act, the same shall take effect and be in force and effect from and after the publication and posting of notice of said orders, rules and regulations, as required by the Fish and Game Laws of said State.

Any person who shall violate any of the provisions of this Act, or any of the orders, rules and regulations of the Fish and Game Commission, made pursuant to the authority given it under this Act, he shall be deemed guilty of a misdemeanor and upon conviction thereof, be punished by a fine of not less than Twenty-five Dollars nor more than Five Hundred Dollars, or by imprisonment in the county jail for not more than one hundred and eighty (180) days, or by both such fine and imprisonment, and in addition thereto, shall, in the discretion of the court, forfeit his license to hunt, fish or trap within this State for a period of one year from the date of his conviction.

This Act shall be in full force and effect from and after its passage and approval.

That Section 3697 of the Revised Codes of Montana, 1921, as amended by Chapter 192 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, Chapter 59 of the Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, and Chapter 152 of the Laws of the Twenty-second Legislative Assembly of the State of Montana, 1931, be, and the same is hereby amended to read as follows:

Following Regulations Subject to Change by Order of the Fish and Game Commission:

Section 3697. **Open Season for Deer.** That open season for deer shall begin October fifteenth and shall end November fifteenth, both dates inclusive, of each year. The

closed season for deer shall begin November sixteenth of each year and end October fourteenth of the following year, both dates inclusive; provided, however, that in all of that portion of Ravalli county drained by the west fork of the Bitter Root river, and in all that portion of Ravalli county lying west of the Bitter Root River and north of the confluence of the east and west forks of said Bitter Root River, the open season for deer shall begin with the twentieth day of September and end with the twentieth day of October, both dates inclusive, of each year; and provided, further, however, that it shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to shoot, hunt, kill, take or capture, or cause to be shot, killed, taken or captured, any deer, at any time within the counties of Yellowstone, Daniels, Sheridan, Rosebud, Musselshell, Powder River, Carter, McCone, Carbon, Phillips, Garfield, Petroleum, Treasure, Liberty, Toole, Blaine, Teton, Valley, and also all of Glacier and Pondera counties lying within the Lewis and Clark National forest; and also all of that portion of Gallatin county lying and being north of the south line of Township Four (4), North, M. P. M., and that part of Big Horn county lying east of the 107th Meridian.

During the closed season for deer it shall be unlawful for any person to take, hunt, shoot, kill or capture, or cause to be taken, hunted, shot, killed or captured, any deer; during the open season for deer it shall be unlawful for any person to shoot or kill, or cause to be shot or killed, any deer other than one (1) male deer, with horns not less than four (4) inches in length above the top of the skull. Provided, however, that it shall not be unlawful to take one deer of either sex in Mineral, Glacier, Lake, Sanders, Missoula, Granite and Ravalli coun-

ties. It shall be lawful to hunt, shoot, or kill one (1) buck deer each year between the dates of November 1 and 3, both dates inclusive, in the following counties: Roosevelt, Richland, Dawson, Prairie, Wibaux, Fallon, Custer and Carter. It shall also be unlawful and a misdemeanor for any person responsible for the death of any deer, to wilfully waste any portion or portions of said deer suitable for food.

It shall be unlawful to shoot, kill, take, or cause to be shot, killed, taken or captured, or to attempt to shoot, kill, take or capture, any deer within the boundaries of any incorporated or unincorporated city or town of this State.

Any person violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25) nor more than Five Hundred Dollars ($500)), or by imprisonment in the county jail for a period of not less than ten (10) days nor more than one hundred and eighty (180) days, or by both such fine and imprisonment, and in addition thereto shall forfeit his fish and game license for a period of one (1) year.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person who at any time kills, captures, or destroys any game animal of this State and detaches or removes from the carcass only the head, hide, antlers, tusks or teeth, or any, or all of the aforesaid parts, is guilty of a misdemeanor.

Section 2. The failure of any person or persons to properly dress and care for any game animal killed by such person or persons within twenty-four hours and take or

transport to the camp of such person or persons such carcass within a reasonable time and there properly take care of the same shall be prima facie evidence of the violation of the provisions of this Act.

Section 3. Any person or persons violating the provisions of this Act shall be punishable by a fine of not less than $100.00 or more than $300.00, or imprisonment in the county jail for a term of not less than thirty days nor more than six months, or by both such fine and imprisonment.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Section 3698. **Destroying Evidences of Sex, a Misdemeanor.** Any person killing any deer within this State who shall destroy such evidence of the sex of the deer so killed as to make the determination of the sex thereof uncertain, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as in this Act hereinafter provided.

Section 3699. **Closed Season for Rocky Mountain Sheep and Goats.** The entire State of Montana is hereby closed to the shooting, killing, taking, or capturing of any Rocky Mountain sheep or goats; provided, however, that the State Fish and Game Commission shall have the jurisdiction, power, and authority to open for limited periods of time any county in the State or any portion thereof to the shooting, killing, taking, or capturing of any Rocky Mountain sheep or goats, and to establish bag limits. During the closed season for said Rocky Mountain

sheep or goats herein named. which said closed season shall be all of that season or period of the year and not declared and ordered open by said Commission, it shall be unlawful, and a misdemeanor for anyone to shoot, kill, take, or capture, or cause to be shot, killed, taken, or captured any of the Rocky Mountain sheep or goats of this State, and any one violating any of the provisions of this section or the orders, rules, or regulations of the Commission relating hereto shall be guilty of a misdemeanor and upon conviction thereof shall be fined by a fine of not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00), or not less than ten (10) days' imprisonment in the county jail nor more than ninety (90) days' imprisonment in the county jail, or by both such fine and imprisonment.

Chapter 74. **An Act Requiring Persons Hunting Big Game Animals in This State to Wear Distinguishing Marks and Articles of Apparel; Prescribing in What Such Distinguishing Marks and Articles of Apparel Shall Consist; Providing That Violations of This Act Shall Be Misdemeanors and Fixing Penalties Therefor.**

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any person to hunt any of the big game animals in this State under any of the provisions of the laws of this State without such person wearing a cap or hat, shirt jacket, coat or sweater of a bright red color.

Section 2. Any person convicted of a violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor

and shall be punished by a fine of not less than Two Dollars and Fifty Cents ($2.50) or more than Five Dollars ($5.00).

Section 3. All Acts and Parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Section 3700. **Closed Season for Certain Game Birds.** Any person who, at any time within this State, hunts, shoots, kills, captures, or causes to be shot, killed, or captured, or attempts to shoot, kill, or capture any quail, Chinese or Mongolian pheasants, commonly called ringneck pheasants, Hungarian Partridge, Ptarmigan or wild turkey, or has in his possession any of such birds or any part of any such birds, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars ($50.00), nor more than Two Hundred Fifty Dollars ($250.00), or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment, provided that the Commission shall have the jurisdiction, power and authority to open for limited periods of time, any county in the State or any portion thereof, to the hunting, shooting, killing, taking, or capturing of any of the birds herein mentioned, when in its opinion, conditions will justify the same, and to declare the number and sex of birds to be taken, killed, or possessed in any one day of said open season or for the entire open season so created by said Commission.

Section 3701. **Open and Closed Seasons for Grouse.** The open season for sharp-tailed grouse, blue grouse, fool hen, ruffed grouse, commonly called pheasant or par-

tridge, prairie chicken, sage hen or sage grouse, shall begin on the sixteenth (16th) day of September and end on the twenty-fifth (25th) day of September of the same year, both dates inclusive. The closed season for the game birds named herein shall begin on the twenty-sixth (26th) day of September of each year and end on the fifteenth (15th) day of September of the following year, both dates inclusive. During the open season for the game birds named herein it shall be unlawful and a misdemeanor, punishable as hereinafter provided, for any person in any portion of the State of Montana to shoot, kill, or capture, or take, or cause to be shot, killed, or captured, or taken, more than five (5) sharp-tailed grouse, blue grouse, fool hen, ruffed grouse, commonly called pheasant or partridge, prairie chicken, sage hen or sage grouse, in the aggregate of all kinds in any one day; it shall be unlawful and a misdemeanor, punishable as hereinafter provided, for any person to have in his possession more than five (5) of any such birds in the aggregate of all kinds at any one time. During the closed season for the game birds herein named it shall be unlawful and a misdemeanor, punishable as hereinafter provided, to shoot, kill, or capture, take or cause to be shot, killed or captured, or taken, any of the game birds named herein, provided, however, that the Commission shall have the power to advance the date of the open season on sage grouse in any county of this State, when said Commission feels convinced that such change is necessary and meets with the approval of the sportsmen and property owners in such community, provided the notice of opening of a particular county or part thereof shall be advertised in a newspaper of that county at least ten (10) days prior to such opening date.

Section 3703. **Closed Season and Bag Limits on Migratory Game Birds.** Any person who, during the period beginning the first (1st) day of January of any year and the fifteenth (15th) day of September of the same year, both dates inclusive, hunts, kills or captures, or causes to be shot, killed or captured, or attempts to shoot, kill or capture any wild ducks, wild geese, brant, Wilson snipe or jacksnipe, greater or lesser yellowlegs, coot or gallinule, or who during the period beginning the first (1st) day of December of any year and the fifteenth (15th) day of September of the following year, both dates inclusive, hunts, kills, or captures, or attempts to shoot, kill, or capture any sora or other rail, except coot and gallinule, or who in any one day during the open season shoots, kills, or captures, or causes to be shot, killed or captured more than twenty-five (25) wild ducks (other than wood duck and eider duck) in the aggregate of all kinds, eight (8) wild geese in the aggregate of all kinds, eight (8) brant, twenty (20) Wilson or jacksnipes, twenty-five (25) rails and gallinules, in the aggregate of all kinds, but not more than fifteen (15) of any one species, twenty-five (25) sora, twenty-five (25) coot, fifteen (15) greater and lesser yellowlegs in the aggregate of both kinds, or who hunts, shoots at, captures, kills, or attempts to capture or kill any migratory birds on any day except from half an hour before sunrise to sunset during the open season prescribed therefor, or who at any time of year hunts, shoots, kills or captures, or causes to be shot, killed or captured any little brown sandbill and whooping cranes, swan, woodcock, avocet, curlew, dowitcher, godwit, knot, plover, killdeer, sandpiper, willet, or other shore bird except greater and lesser yellowlegs, Wilson snipe or jacksnipe, or who shall possess any wild

duck, wild goose, brant, Wilson or jacksnipe, greater or lesser yellowlegs, coots or gallinule, during the period beginning the eleventh (11th) day of January of any year and the fifteenth (15) day of September of the same year, both dates inclusive, or who shall possess any sora or other rail (except coot and gallinule), during the period beginning the eleventh (11th) day of December of any year and the fifteenth (15th) day of September of the following year, both dates inclusive, shall be guilty of a misdemeanor and upon conviction shall be punished as hereinafter provided.

The Fish and Game Commission is hereby authorized and empowered to make such changes in the provisions of this Section as shall be necessary to make said provisions conform at all times to the regulations of the United States Department of Agriculture pertaining to all and any of the migratory birds named herein.

Section 3704. **Closed and Open Seasons for Fur-Bearing Animals.** Any person who between the fifteenth (15th) day of April of any year and the first (1st) day of December of the same year, shoots, traps, kills, or captures, or causes to be shot, trapped, killed or captured, or attempts to shoot, trap, kill or capture any marten or sable, otter, fox, mink, muskrat, raccoon or fisher, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as in this Act hereinafter provided. Provided, however, that when it is shown that muskrats are doing severe injury upon, or are a menace to the structures, canal banks or other works of an irrigation project or district, any resident landowner on such project or district may kill or trap or cause to be killed or trapped any muskrat upon or in menacing proximity to the structures,

canal banks or other works of such project or district during the closed season on muskrats, after having secured from the State Fish and Game Warden a permit so to do, except that from June first (1st) to August thirty-first (31st), both dates inclusive, of each year, no such permit shall be required. The furs and hides of such animals, legally taken during the open season, may be possessed, bought and sold at any time.

It shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to shoot, trap, kill or capture, or cause to be shot, trapped, killed or captured, or to attempt to shoot, trap, kill or capture any otter, raccoon, marten or sable, until such time as the Commission shall provide an open season on marten or sable, otter, or raccoon, and any person violating any of the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in this Act hereinafter provided.

It shall be unlawful and punishable as in this Act hereinafter provided, for any person at any time to wilfully destroy, open or leave open, or partially destroy, the house of any muskrat or beaver.

The open season on fur-bearing animals shall begin on December first (1st) of each year and end on April fifteenth (15th) of the following year, both dates inclusive.

Section 3705. **Costs.** In any case where costs have been incurred by a county in a prosecution for the violation of any of the provisions of this Act, or of any other laws of the State of Montana, with reference to fish and game, a cost bill, including the cost of board of a prisoner, shall be prepared and presented to the State Board of Examiners, and if approved by it, the State Treasurer

shall thereupon pay the same out of the Fish and Game Fund of the State, to the County Treasurer of the county incurring such costs and expenses.

Section 3706. **Penalties.** Any person found guilty of a violation of any of the terms of this Act, or of any other violations of the State Fish and Game Laws of the State of Montana, or of the rules, regulations, or orders of the Commission, if the same is defined as a misdemeanor under the terms hereof, shall, unless the punishment is otherwise defined and set forth, be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than ten (10) days, nor more than one hundred eighty (180) days, or by both such fine and imprisonment, and in addition thereto, shall, in the discretion of the court forfeit his license to hunt, fish or trap within this State for a period of one (1) year from date of conviction.

Section 3707. **Compensation of Persons Issuing Licenses.** Any person hereby authorized to issue licenses of any kind, except duly appointed Game and Deputy Game Wardens, shall receive as compensation for issuing such license a sum of ten cents ($0.10) for each license so issued. Said compensation to be by such person retained out of each license fee as reported in the manner herein provided for reports of persons authorized to issue licenses.

ALIEN GUN LICENSE LAW

No Alien Shall Own or Be in Possession of Firearms Without First Procuring License Therefor. Exceptions.

H. B. No. 78, S. L. 1913.

Section 3708. There is hereby created a gun license for aliens. No persons, not a bona fide citizen of the United States, shall own or have in his possession, in the State of Montana, any gun, pistol, or other firearm without first having obtained from the Fish and Game Warden a license therefor, which said license shall cost the owner of said firearm the sum of Twenty-five ($25.00) Dollars, and shall expire one year from date of issuance thereof; provided, however, that this section shall not apply to one who has obtained the Fifty ($50.00) Dollars hunting license required by the laws of Montana; provided, further, that the provisions of this section shall not apply to any alien who is a bona fide resident of the State of Montana and the owner of not less than one hundred and sixty acres of land therein, nor shall it apply to any settler on the public lands of the State of Montana who shall have begun to acquire lands unders the laws of the United States by filing thereon, nor shall it apply to persons engaged in tending or herding sheep or other animals in herd.

Section 3709. Any alien of the United States who shall have in his possession or under his control any gun, pistol or other firearm without having taken out and being at the time in possession of a license as provided in Section 1 of this Act, shall be guilty of a misdemeanor and be punished by a fine of not less than Twenty-five ($25.00) Dollars.

Section 3710. It shall be the duty of th Fish and Game Warden and his duly au thorized Deputies and of all the peace off cers in the State of Montana, to search fo and take into their possession any gun, pisto or other firearm found in the possession o any alien not entitled to hold or posses same, and to sell same, and all of the pro visions of Section 1959 of the Revised Code of Montana shall apply to the enforcemen of this Act.

Disposition of Fines

Section 3711. All fines and other money collected under the provisions of this Ac when arrest has been made by the Fish an Game Warden and his Deputies, shall b paid into the fund known as the "Fish an Game Fund," and all fines and other mon eys collected under the provisions of thi Act, where the arrest has been made b peace officers, shall be paid into the schoo fund of the county where said action is trie or arrest made.

Authorizing the United States to Conduc Fish Hatcheries Within This State.

Section 3712. That the government of th United States, the United States Commis sioner of Fisheries and its or his duly au thorized agent or agents, be and they ar hereby authorized, empowered and grantec the right to conduct fish hatching and al operations connected therewith in any man ner and at any time that may by them o any of them, be considered necessary anc proper at any United States fish cultura station that may hereafter be established by the United States government in the State of Montana.

Selling Game Fish or Spawn Unlawful

Section 3713. Every person who in any ay catches any of the fish which in this ct are classified as "game fish" or who all remove or cause to be removed the gs or spawn from any such fish for spec- lative purposes, for market or for sale, or ho shall sell or offer for sale any of the me fish of this State as in this Act de- ned, or the eggs or spawn therefrom, shall e deemed guilty of a misdemeanor and shall e punished accordingly; provided, however, at this section shall not apply to fish ught in private ponds by the owners there- f nor to the taking of fish by the State thorities for the purpose of obtaining eggs r propagation in State fish hatcheries, or y any person who receives a permit from e State Fish and Game Commission to ke eggs for said purposes.

Section 3714. **Catching Fish Except With ole, Line and Hook—Use of Traps, Nets nd Seines Except as Provided in Section 2 of This Act.** Every person who takes or tches fish in any of the waters of this tate except with hook and line held in and or line and hook attached to rod or ole held in hand, or who takes or catches sh with hook baited with any poisonous bstance or by means of the use of any oisonous substance, including fish berries, r who takes or catches fish by means of e use of fish traps, grab hooks, seines, ets, or other similar means for catching sh, shall be guilty of a misdemeanor, and pon conviction thereof, shall be punished s provided for in Section 3706 of the Re- ised Codes of Montana, 1921, and the mendments thereto, provided, however, at the Montana Fish and Game Commis- on shall have the power, authority, and

jurisdiction, to designate such waters within the State of Montana, wherein, in the judgment of the members of said Commission, traps, seines, or nets may be used for the taking of non-game fish and Dolly Varden trout, and to close such waters so designated at the discretion of the Commission, and to permit the taking of black bass in Flathead Lake, the taking of all fish by said means in said waters when so designated to be done under such rules and regulations as said Commission may prescribe with reference thereto, and under the supervision of said Commission, and all such fish so taken may be possessed and sold in such manner and under such restrictions as said Commission may direct, all fish other than those herein designated so taken under said rules and regulations when prescribed by said Commission, shall be returned uninjured to the waters from which they were taken.

Section 3715. It shall be the duty of the State Game Warden to keep a record of all licenses issued by him for the use of a net for the taking of fish, showing the name of the applicant, the date of issue, the waters to be used in, and when revoked (should same be so revoked) and to pay all fees received for such licenses into the State Treasury to the credit of the Fish and Game Fund.

Revoked License

Should an application be made for a license by any person who has heretofore had a license revoked for cause, it shall be the duty of the State Game Warden to refuse the same, and no license shall be issued to any person whose license has been revoked for cause.

Unlawful to Have Seine or Net in Possession

Section 3716. It is unlawful for any person or persons to have in their possession or under their control any seine, net or other similar device for capturing fish. A seine or net found in any vehicle, at the camp, or on the premises of any person shall be prima facie evidence that the said seine, net or similar device belongs to the person or persons occupying said camp or premises; provided, that nothing herein contained shall apply to the owners of private fish ponds, as defined under the statute, nor to a person or persons having unexpired seine or net license, as provided for in the statutes of Montana; provided, further, that nothing herein contained shall apply to the use, by any person of a landing net used in connection or in addition to pole, line and hooks, in fishing for game fish; and provided, further, that nothing herein contained shall apply to the possession of traps, seines or net where found in the vicinity of any waters which the Fish and Game Commission have designated within the State, where traps, seines or nets may be used for the taking of non-game fish and Dolly Varden trout, as provided for in the statutes of Montana.

Penalty

Any person or persons convicted for a violation of this section shall be deemed guilty of a misdemeanor and punished accordingly.

Section 3717. **Use of Explosives or Poison Prohibited.** If any person or persons shall use any carbide, lime, giant powder, dynamite, or other explosive compounds, or any corrosive or narcotic poison or other dele-

terious substance, or have any of same in his possession within one hundred (100) feet of any stream where fish are found for the purpose of catching, stunning or killing fish, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a term of not less than thirty (30) days, nor more than six (6) months or by both such fine and imprisonment.

Dumping of Refuse in Streams or Lakes Prohibited

Section 3718. No person or corporation operating a sawmill on or near any stream, pond, lake or river shall hereafter dump, drop, cart or deposit, or cause to be dumped, dropped, carted or deposited, sawdust, bark, shavings, oil, ashes, cinders, or debris in or near any such stream, pond, lake or river, in such manner or place as will likely result or cause the same to be carried into the waters of any such stream, pond, lake or river; and any person so doing shall be deemed guilty of a misdemeanor, and upon conviction, punished accordingly.

Unlawful to Kill Moose, Buffalo, Caribou or Antelope

Section 3719. Any person who wilfully shoots or kills, or captures or causes to be shot or killed, or captured, any moose, bison, buffalo, caribou or antelope, (and it is hereby made unlawful to kill any of said animals except as hereinafter stated) is guilty of a misdemeanor and shall be punished accordingly.

Section 3722. Chapter 167, 1935. **Protection of Beaver. Beaver License.** No person shall take, trap, kill, capture or attempt to take, trap, kill or capture, or in any way destroy any beaver in the State of Montana, or possess, buy, sell, ship or transport within or without the State, or cause the same to be done, any beaver or any part thereof including skins or hides and castors whether taken within or coming from without the State, except as hereinafter permitted.

Provided, that upon payment of a fee of Ten Dollars ($10.00), the State Fish and Game Warden may issue a permit to any bona fide owner or lessee of real estate which is being actually and materially damaged by beaver, to take or destroy beaver on his own or leased premises only, and provided that the Warden shall, when issuing the permit mentioned, designate therein the maximum number of beaver that may be taken or destroyed under such permit. All applications for beaver permits shall be filed with the State Fish and Game Warden, between the dates of May first (1st) and November thirtieth (30th) of each year. The term "premises" shall be construed to include any irrigation ditch or right of way appurtenant to the land for which said license or permit is issued.

That the State Fish and Game Warden shall in person or by Deputy examine the premises and investigate the alleged damage by beaver before issuing a license or permit.

Any person trapping beaver under a license or permit of the State Fish and Game Warden shall properly care for all skins of beaver taken thereunder and as soon as cured shall send to the Deputy State Fish and Game Warden residing in his county, or in event of such Deputy being absent or unable to act, then to the nearest Deputy from the place of the trapper's residence,

and send to such officer an affidavit giving his name, residence, license or permit number, the date and place of capture, with the number so captured, together with Fifty Cents (50c) for each skin, and if such officer is satisfied of the legal taking of the same, he shall thereupon immediately forward such affidavit with the money, and a report, to the State Fish and Game Warden, and upon the receipt thereof the State Fish and Game Warden shall forward to such Deputy numbered metal tags sufficient in number for one to be attached to each skin covered by the affidavit; upon the receipt of such tags, the Deputy shall so attach them to the skins and shall receive from the owner Ten Cents (10c) for each skin so tagged by him, the same to be for his services.

A record of tags so issued shall be kept in the office of the State Fish and Game Warden.

Any person who shall receive or bring into from without the State any beaver skin or skins duly tagged with a distinctive numbered metal tag of another State, shall report their arrival within ten (10) days to the State Fish and Game Warden and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner or method of transportation into the State, and the numbers designated on the tags, and the name of the State so tagging the same, and the same shall be accompanied by a fee of Fifty (50c) Cents, and it shall not be necessary for such skins to be re-tagged with a Montana tag, nor any other fees paid therefor.

The State Fish and Game Warden shall keep a record of all skins so reported.

Each metal tag shall remain attached to the beaver skin to which it was originally

affixed until it is dressed and manufactured into an article of commerce, or it shall accompany any skin shipped or transported out of the State. It shall be a misdemeanor, punishable as hereinafter provided, to remove a tag from such skins, to duplicate or reproduce such tags for fraudulent purposes or use contrary to the provisions of this Act, or to misuse any tag detached from the skin to which it was originally attached.

Beaver skins taken within the State under permit, and those coming from without the State, tagged as herein provided, may be possessed, bought, sold or transported at any time within the State of Montana, but no beaver skin or skins may be exported in any manner from the State without the shipper first obtaining an export or shiping permit from the State Fish and Game Warden, which may be issued upon application showing the kind and number of the metal tags on said skins and the payment of a fee of Fifty (50c) Cents for the permit for each shipment.

Any package offered for transportation from the State which contains a beaver skin or skins shall be clearly marked on the outside thereof with the names and addresses of the consignor and the consignee, the number and kind of skins contained therein, and the number of the shipping permit. The taking and sale of live beaver under permit issued by virtue of the provisions of this section shall be regulated by the Fish and Game Commission, and the license fee to be charged for sale of live beaver shall be Three ($3.00) Dollars for each beaver sold, provided that live beaver shall be sold only to those who hold a license for the purpose of the propagation of fur-bearing animals in this State.

Any person who shall violate any of the provisions of the section shall be guilty of

a misdemeanor, and upon conviction shall be punished as hereinafter provided. Any beaver skin or skins taken or found in this State or which have been shipped out of this State except as specifically permitted by this section are hereby declared contraband and shall be seized by the State Fish and Game Warden, Deputy or other officer authorized to enforce the provisions of this Act. All skins so seized shall be marked or tagged for identification and sold by the State Fish and Game Warden to the best advantage, and the proceeds therefrom turned into the State Treasury to be credited to the Fish and Game Fund.

Beaver trapping permits issued under the provisions of this Act shall expire May first (1st) of each year, and all beaver skins taken thereunder and not reported and tagged according to the provisions of this section prior to July first (1st) following, shall be subject to seizure and sale as herein provided.

Section 3723. Any person who at any time shall hunt, capture, kill, possess, purchase, offer or expose for sale, ship, transport or cause to be shipped or transported any wild bird other than a game bird, or any part of the plumage, skin or body of any such bird, irrespective of whether said bird was captured or killed within or without the State, or take or destroy the nest or eggs of any such wild bird, except under a certificate or permit issued by the State Fish and Game Warden, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided; provided, however, that the provisions of this section shall not apply to the hunting, trapping or killing of English sparrows, crows, eagles, hawks, snow owls, great gray owls, great horned owls, blackbirds, king-

fishers, magpies and jays and such other birds as the Fish and Game Commission shall designate, or the taking or destruction of their nests and eggs.

Section 3725 of the Revised Codes of Montana, as amended by Section 21 of Chapter 59 Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, be, and the same is hereby amended to read as follows:

Section 3725. The possession of dead bodies or any part thereof, of any of the game fish, game or non-game birds, game or fur-bearing animals defined by the Fish and Game Laws of the State of Montana shall be prima facie evidence that such person or persons in whose possession the same are found have killed, caught or taken the same, and the possession of a fishing rod and line, spear, gig or barbed fork, on the banks or shores of a stream or lake shall be prima facie evidence that the person or persons in whose possession the same are found was using the same to fish.

Any person who shall possess, have or hold, or purchase, or keep in storage, or possess for any other purpose, any game fish, game bird, non-game bird, game animal, fur-bearing animal, or parts thereof, which shall have been unlawfully killed, captured, or taken, or who shall unlawfully use any fishing rod and line, or fishing lines, spear, gig or barbed fork, shall be guilty of a misdemeanor punishable as hereinafter provided.

Confiscation, How Sold

Section 3726. All birds, animals, fish, heads, hides, teeth or other parts of any animal seized by any officer as herein provided, shall be sold, under the direction of

the State Game Warden or his Deputies, at a time, place and manner so as to receive the highest price therefor. Such sales shall be made at public auction to the highest and best bidder, and the Game Warden, or his Deputies, shall give notice of the time and place of such sale, together with a description of the bird, or birds, fish, animal or animals or parts or portions of animals to be so sold by one publication, at least, in a newspaper of general circulation published in the county where such sale is noticed to be held, and the date of sale shall not be less than five nor more than thirty days after the last date of such publication; provided, that in cases where the property seized is perishable, the same may be sold by such officers without publishing a notice thereof, upon such public notice, and under such terms and conditions as, in the discretion of the officer, may seem conducive to secure the full value thereof.

Section 3727. Upon the sale of such property the officer shall issue a certificate to the party purchasing the same, certifying that the purchaser has the legal right to be in possession of the same, and anyone so acquiring said property from the State shall have the right to deal therewith without further question with respect to violation of the law, anything herein to the contrary, notwithstanding.

Money From Confiscation Into What Fund

Section 3728. The money obtained upon the sale of such property shall be paid over to the court before whom the person having the same in possession at the time of seizure is prosecuted, or in which prosecution is pending, and if the person charged with violation of the law is found guilty before said court of violation of the Fish and Game

Laws of the State, the money received for the sale of said property shall be paid over to the State Treasurer, and be deposited by him to the credit of the Fish and Game Fund; but should it be found that the party from whom the same was taken was not guilty of any violation of the Fish and Game Laws of this State, said money shall be paid to the party from whom said birds, animals, fish or parts or portions thereof were taken. No officer shall be liable for any damage on account of any search, examination, seizure or sale as herein provided. Where wild animals, game birds or fish are seized as in this Act provided, and the person or persons who killed or captured the same cannot be ascertained, then the money so received from the sale of such animals, game birds or fish, shall be paid direct to the State Treasurer. The cost of advertising notice of sale, as herein required, shall be paid from the Fish and Game Fund.

Record of Confiscations

Section 3729. It shall be, and is hereby made, the duty of the State Game Warden, and of every Deputy Game Warden to make a full and complete record of all property by them, or either of them, confiscated because of a violation of the Fish and Game Laws of this State, showing in detail a description of the property, the person from whom is was confiscated, the price received therefor upon public sale, and the disposition of the money. The State Game Warden shall keep in his office a permanent record showing all property confiscated by him, or any of his Deputies, and the disposition made thereof under the provisions of this Act.

Section 3730. It is hereby declared to be unlawful and a misdemeanor, punishable as

hereinafter provided, for any person or persons to ship or take out of the State any of the game or non-game birds, fish, game animals, fur-bearing animals or the skins of fur-bearing animals, or any parts thereof, which are mentioned in this Act whether taken within or coming from without the State, except the same be done in the manner provided for by Sections 3730, 3731 and 3732 of the Revised Codes of Montana, as amended by this Act.

Section 3731. Any resident of this State who desires to ship out of the State any fish, fur-bearing animals, or the skins of game animals, game or non-game birds, fur-bearing animals, or parts thereof, legally taken or killed in the State during the open season therefor, or coming from without the State, shall first procure a permit from the State Fish and Game Warden, said permit stating the name of the consignee and the consignor, destination and number and kind of game or non-game birds, game animals, fish, fur-bearing animals, or the skins from fur-bearing animals, or parts thereof, that is to be shipped, and said permit shall be presented to the transportation company with consignment.

Section 3732. Any non-resident of this State who has procured a proper license to hunt or fish within this State, and who desires to ship out of the State any of the game animals, game birds, fish, or any part thereof, taken or killed by him during the open season for killing the same, the same having been killed lawfully, shall present to the transportation company his license with the consignment of game or fish to be shipped, provided, that no person shall ship in one year more game or fish than it is lawful for one person to kill in a single

open season. Provided, that any non-resident who desires to ship or take out of the State, any fur-bearing animal, or the skins from fur-bearing animals, or parts thereof, legally acquired, shall first procure a permit from the State Fish and Game Warden, said permit stating the name of the consignee and the consignor, destination, and number and kind of fur-bearing animals, or the skins from fur-bearing animals that are to be shipped, and said permit shall be presented to the transportation company with the consignment.

Section 3733. All shippers of fish, game or non-game birds, game animals, fur-bearing animals, or the skins of fur-bearing animals or predatory animals, or parts thereof are hereby required to label all packages offered for shipment by parcel post, common carrier or otherwise, such label to be securely attached to the address of the package and plainly indicate the names and addresses of the consignor and consignee and the complete contents of said package. All persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished as hereinafter provided.

Section 3734. No person or persons, or the agent or employee of any common carrier, association, stage, express, railway or transportation company, shall transport or receive for transportation or carriage or sell or offer for sale any or the game animals, game or non-game birds, fish, fur-bearing animals, or the skins of fur-bearing animals, or parts thereof, except as specifically provided for by this Act, and all game or non-game birds, fish, game animals, or fur-bearing animals, or parts thereof, had in possession, or which have been shipped or are

being transported in violation of any of the provisions of this Act, shall be seized, confiscated, and disposed of as provided by law. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and punishable as hereinafter provided.

Section 3735. Any person or persons or the agent of any stage, express, or railway company, or association of persons who shall receive for transportation or carriage, or shall sell or offer for sale any of the game fish that have been taken or killed contrary to the provisions of this Act, knowing or having reason to know or believe that such fish were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as in this Act provided; provided, however, that any person having in his possession a fishing license for the current year may ship not to exceed twenty (20) pounds and one fish of the varieties in this Act designated as game fish, by express, stage, or freight, upon showing said license to any such common carrier or to the agent thereof.

Section 3736. The State Fish and Game Warden shall make a charge of Fifty Cents (50c)) for each and every shipping permit issued by him for the shipment of game or non-game birds, fish, game animals, or fur-bearing animals, or parts thereof, out of the State. All money so received shall be turned over by him to the State Treasurer at the time and in the manner provided by law, and the State Treasurer shall place such money to the credit of the State Fish and Game Fund.

Restaurant or Hotel Keepers Must Not Sell Game—Exceptions

Section 3737. It shall be lawful for any merchant, hotel or restaurant keeper to have in his possession and to offer for sale, and

to sell game and game birds, provided that said game and game birds are not, and have not been killed within the State of Montana.

Section 3738. It shall be the duty of every merchant, hotel and restaurant keeper having in his possession and offering for sale any game or game birds, to produce upon demand, for the inspection of any Game Warden or Deputy Game Warden or Sheriff, the receipt or record and shipping and transportation receipts required hereby to be kept by him, and a failure or refusal to produce the same upon demand, coupled with the possession and offering for sale of game or game birds, shall constitute prima facie evidence of the violation of this Act.

Records of Game to Be Kept

Section 3739. It shall be the duty of every person having in his possession and offering for sale any game or game birds, to keep a record showing the amount and kind of game and game birds received by him, together with shipping and transportation receipts showing the true time and place of shipment of said game and game birds, and the name of the person shipping same; provided, however, that any merchant in Montana selling game or game birds, to any hotel or restaurant keeper or other person, shall, in addition to the record and receipts heretofore required to be kept by him, keep a record of the date of sale, kind and amount of game or game birds and the name of the purchaser, and provided, further, that in the case hotel and restaurant keepers or other persons buying game or game birds from a merchant within the State of Montana, a receipt from the said merchant showing the date, amount and kind of game or game birds purchased shall be sufficient

evidence of compliance with the provisions of this Act by such hotel or restaurant keeper or other person.

Section 3740. Any person who shall have in his possession, and offer for sale, or sell any game or game birds without having complied with the provisions of this Act relating to the keeping of a record and shipping and transportation receipts, shall be guilty of a misdemeanor and punished accordingly.

Section 3741. In the construction of this Act the words "Game" and "Game birds" or parts of the same, shall be construed to mean the game animals and game birds, the killing of which is restricted or forbidden by the laws of Montana; and the words "merchant," "hotel and restaurant keeper," shall include each and every manager, servant, agent, and employer of such person.

Section 3742. It is hereby made unlawful for any person to purchase, sell, offer to sell, possess, ship, or transport within or without the State any game fish, wild bird, game or fur-bearing animal or part thereof, protected by the Laws of this State, or coming from without the State, whether belonging to the same or different species from that native to the State of Montana, except as specifically permitted by this Act. The provisions of this section shall not apply to the plumage of wild water fowl lawfully killed when purchased or sold for other than millinery purposes, or to birds or animals collected or possessed under a permit issued by the proper State Fish and Game Warden for the scientific or propagating purposes, nor shall the provisions of this section be construed to prohibit the purchase, sale or offering for sale, any head, skin or scalp, mounted or unmounted, or any full-sized

mount of any game animal lawfully killed, provided the seller, before selling any such specimen shall first obtain from the State Fish and Game Warden a permit authorizing him to sell it, nor to the sale of fur-bearing animals, or the skins of fur-bearing animals, except untagged beaver skins, nor to the export of fur-bearing animals or the skins of fur-bearing animals under proper permit of the State Fish and Game Warden. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished as hereinafter provided.

Penalties. Any person found guilty of a violation of the terms or provisions of this Act, shall be punished in the manner provided by Section 3706 of the Revised Codes of Montana of 1921, as amended by Chapter 192 of the Nineteenth Legislative Assembly of the State of Montana of 1925.

Definition of "Sale"

Section 3743. That the word "sale," as used, the Statute Laws of this State touching the sale of game and fish, the sale of which is prohibited by law, does and shall be considered to mean:

1. A contract by which, for a pecuniary consideration, called a price, one transfers an interest in either game or fish.

2. A contract by which, for an article or thing of value, one transfers, barters or exchanges an interest either in game or fish.

Section 3744. Any person or persons, agent or employee, of any stage or express company, or railroad company or associa-

tion of persons, who shall receive for transportation or carriage, or shall sell or offer for sale, fish or game that have been taken or killed contrary to the provisions of this Act, knowing or having reason to believe that such fish or game were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly.

Section 3745. **Guides Must Have Licenses.** No person shall engage in the business of guiding, as the term is commonly understood, without first having procured from the State Fish and Game Warden a Guide's License. Any competent person, who is a bona fide citizen of the State of Montana, shall upon the presentation of an affidavit, stating that the applicant is of good moral character and responsible, and signed by three taxpayers of the county in which the applicant lives; and by the applicant making the payment of Ten Dollars ($10.00) to the State Game Warden, receive from the State Game Warden a Guide's License, which shall be good for one year only; provided that upon the payment of Ten ($10.00) Dollars annually, said license may be renewed. Such license shall state the name, age and place of residence of the holder, and shall further recite that the holder of such license is a person of good moral character.

Section 3746. Any person violating any of the provisions of this Act who shall act as a guide without the necessary qualifications, and without the proper compliance with the terms hereof, shall be guilty of a misdemeanor, and be punished accordingly; and in all cases where a conviction is had the license theretofore issued shall be revoked.

Guides, Who Shall Be Termed

Section 3747. Any person who shall, for pay, aid or assist any person or party, in locating, pursuing, hunting or killing any of the game birds or animals mentioned in this Act, shall be deemed a guide within the meaing of this section.

Section 3748. Any person who shall engage in the business of packing for hunting parties, as the term is commonly understood, or who shall, for pay, accompany such parties as guide, packer, or cook, shall be considered a guide and shall come within the requirements of this Act; provided, however, that it shall be necessary only for one of the persons above named with each and every hunting party to have fulfilled the requirements of this section.

Section 3749. Whenever a guide is employed by any person or party, such guide shall at the expiration of the period of the time for which he was employed, make a written statement to the State Game Warden, stating the number of days he was employed, the number of persons guided, their names, residences, and the number of each kind of game killed, and if non-residents, the number of their licenses.

Guides, Responsible for What

Section 3750. Any person acting as guide for any person or party shall be equally responsible with such person or party, for any violation of the law; any such guide who shall wilfully fail or refuse to report any violation of the law, by the said person or party employing him, shall be liable to the penalties as hereinafter provided.

Section 3751. **Taxidermists to Procure License.** Any person who shall engage in, or who is at the present time engaged in conducting any taxidermist business, as the term is generally understood, or any person who conducts a business for preparing any of the dead bodies of any birds, or animals, or any part thereof, mentioned in the Game Laws of this State, must first obtain from the State Fish and Game Warden a Taxidermist's License, and shall pay an annual license fee of Fifteen Dollars ($15.00) therefor. Such person shall, on the first day of each month, make a written report to the State Fish and Game Warden, of all the articles of game, the kind and number of each, by whom owned, and the residence of owner, received during the past month, also of all the articles of game shipped, and to whom and where shipped, during the last month; also the amount and kind of each on hand on the last day of the month, and by whom owned and owner's address. Any person violating the provisions hereof shall be deemed guilty of a misdemeanor, and upon conviction shall be punished accordingly, and in all cases of conviction, their licenses shall be revoked.

Section 3753. **Disposition of Fines, Bonds and Penalties.** All fines, bonds and penalties mentioned in any section of this Act may be collected by civil action in the name of the State of Montana in any court of competent jurisdiction upon proper complaint being filed, and the amount of all fines and bonds, collected under the provisions of this Act shall be paid to the State Game Warden, and by him paid to the State Treasurer and by him placed to the credit of the fund to be known as the Fish and Game Fund. All such fines, bonds and costs shall be collected without stay of execution, and

the defendant, or defendants, may by order of the court, be confined in the county jail of the county until such fine and costs are served out at the rate of $2.00 per day.

Section 3754. That in all cases where there is a prosecution for the violation of Fish and Game Laws, and costs have been incurred, therein, a cost bill shall be prepared, including the cost of board of prisoners, and presented to the State Board of Examiners, and if by them allowed, the State Treasurer shall thereupon pay the same out of the State Fish and Game Fund to the County Treasurer of the county wherein such costs were incurred.

Common Carriers May Transport Game for Stocking Purposes Free of Charge

Section 3755. That nothing in the provisions of Chapters 2 or 5, Title VIII, of the Political Code of the Revised Codes of Montana of 1907, or of Chapter 136 of the Session Laws of the Twelfth Legislative Assembly, or in any of the other provisions of the Laws of Montana, shall be construed to prevent, or shall prevent, the carriage or storage or handling of property, by railroads or other common carriers free or at reduced rates, for the Government of the United States, or for the State of Montana, or for the owner or owners of any fish hatchery within this State, or any anglers' association or sportsmen's club organized and existing therein, or of the State Fish and Game Warden, whenever such property is being used for the exclusive purpose of stocking or planting with fish or fish eggs the waters within the State of Montana, or restocking the ranges and forests of the State of Montana with elk, deer, mountain sheep, mountain goats, grouse, ducks, or any of the so-called game animals or birds; and

nothing therein shall be construed to prevent, or shall prevent, the issuing of free transportation to or the free carriage of, or the selling of tickets at reduced rates to any and all persons while actually engaged in transporting fish or fish eggs, or stocking or planting the waters of this State with such fish or fish eggs, or to any and all persons while actually engaged in transporting and caring for any of the game animals or birds herein mentioned for restocking the ranges, forests, and public parks of this State.

Grand Juries and Courts

Section 3756. It shall be the duty of all grand juries to investigate all infractions of any provisions of this Act, except such cases and violations as may have been tried by a court of competent jurisdiction, and upon due proof of violation of any of the said provisions, they shall proceed to indict such party or parties according to law, and it is hereby made the duty of the Judge of the District Court to call the attention of the grand jury to the provisions of this Act. The District Court shall have concurrent jurisdiction with Justices of the Peace of all offenses committed under the provisions of this Act.

Indians Subject to Provisions of Game Laws, When

And it is further provided that in construing this Act, the provisions and penalties hereinbefore made and prescribed shall be deemed and held to include all Indians and half-breed Indians, when outside the Indian reservation. It is further provided and declared to be the duty of any Sheriff, or peace officer of any county of this State, and the County Attorneys of the respective

counties when it shall have reason to believe that any person has violated any of the sections of this Act, to commence criminal proceedings against them either in the Justice or District Court, as in their judgment shall be proper, and any failure on the part of any County Attorney, Sheriff, or other peace officer, or Game Warden, who has knowledge of the violation of any of the provisions of this Act, to commence such proceedings, shall be deemed a misdemeanor, and he shall be punished accordingly.

Felony, Procedure

Section 3757. Whenever it shall appear under any prosecution under any section of this Act making it a felony for the violation thereof, that the crime was committed, or that the game was killed, or the fish caught, in violation of law in any other State other than Montana, it shall be the duty of the magistrate or the court before whom the trial was had to hold said defendant for at least ten days, and for such further times as may be necessary to allow the authorities of said state wherein the law has been violated, to take the necessary steps to secure the arrest and extradition of the accused, if they so desire; and on the holding of the accused under the provisions of this section, it shall be the duty of the County Attorney or attorney prosecuting, to immediately notify the proper officers of the State and County in which it appears the law has been violated, of all the facts and circumstances connected with said proceedings.

Violation of Act in Case of Hunger or Suffering

Section 3758. When it is shown that any violation of the provisions of this Act was for the purpose of preventing great suffer-

ing by hunger of any person or persons, which could not otherwise have been avoided, the provisions of this Act shall not apply to said case.

Silencer on Firearms Prohibited

Section 3759. It shall be unlawful for any person to take into the fields or forests, or to have in his possession, while out for the purpose of hunting any wild animal or birds, any device or mechanism, designed to silence or muffle or minimize the report of any firearm, whether such device or mechanism be separated from or attached to any firearm.

Game for Scientific Purposes, How Taken

Section 3760. It shall hereafter be lawful for the duly accredited representative of any school, college, university or other institution of learning, who may be investigating a scientific subject making the same necessary, to take, kill, capture and have in his possession for such purpose, any of the birds, fish or animals found in this State, and to take, kill and capture the same in any way, except by the explosion of dynamite; provided, that no more of any such birds, fish or animals shall be taken than are necessary for such investigation, and provided also that any person who shall desire to engage in such scientific investigation shall apply to the State Game Warden for a license so to do. If the State Game Warden is satisfied of the good faith of the applicant, he shall issue to him a permit, which shall place a time limit upon such investigation, and shall place a restriction upon the number of birds, fish, or animals to be taken thereunder; and the person to whom such license is issued shall pay

therefor the sum of Five ($5.00) Dollars, and shall have no right or authority to take, have or capture any other or greater number of birds, fish or animals than are mentioned in said license. Any person violating the provisions of this section shall be guilty of a misdemeanor, and punished accordingly.

GAME RAISING

Section 3777. **License for Breeding and Propagating Game Birds, Game and Fur-Bearing Animals.** It shall hereafter be lawful for any person or persons, company, or association to engage in the business or occupation of propagating, owning and controlling wild game, birds, game and fur-bearing animals of the State of Montana, upon premises wholly owned, leased or controlled by such person or persons, company, or association in said State of Montana, under such regulations as may be prescribed by the Fish and Game Commission, and the supervision of said State Fish and Game Warden. The applicant shall file with the Commission, a statement of the place where the person owning said fur farm will conduct such business, and game and fur proposed to be raised on said premises, and shall for this purpose obtain a permit from the Fish and Game Commission, which permit shall be issued by said Commission, to capture alive in season or out of season such game birds, or game or fur-bearing animals as may be necessary for foundation stock for such game or fur farm. Such permit, however, shall limit the number of game birds, or game or fur-bearing animals that may be so captured; the applicant shall be required to show that he has so fenced the place where such game or fur farm is located, that no wild or public animal or bird can mix with those confined by him, and

when license has been issued and a permit has been given to capture certain fur-bearing animals for foundation stock, said animals shall be subject to the same royalty or tax as the skins of the same animals are subject to. When the provisions of this section have been complied with the product of such game or fur farm may be dealt with and sold as private property, but every sale must be reported to the State Game Warden, and the person owning said fur-farm shall make an annual report of his said game or fur business to the Fish and Game Commission.

Any person or persons who, at any time hereafter, in any part of the State of Montana, without the consent of the owner or caretaker of any enclosure within which fur-bearing animals are kept for breeding purposes, and on the fence of which enclosure are kept posted notices forbidding trespassing on the premises where the said animals are kept, and plainly discernible at a distance of not less than twenty-five (25) yards therefrom, shall pass within the said fence or such enclosure or climb over, break or cut through the same for the purpose of entering the said enclosure, or for any other purpose whatsoever, shall be guilty of an offense and liable to the penalty hereinafter provided.

Game Preserves

Section 3761. That there be and hereby are created for the better protection of all of the game animals and birds within the limits thereof, said game preserves within the State of Montana, and more particularly hereinafter described as to the exterior limits, and it is hereby declared to be unlawful to hunt for, trap or kill, or cause to be hunted for or killed any of the animals

herein mentioned or to trap, capture or molest any birds or animals of any kind whatever within the limits of the game preserves hereby created, or to carry or discharge any firearms, or to create any unusual disturbance tending to frighten or drive away any game animals or birds, or to chase the same with dogs or hounds within said preserves; provided, however, that permits to capture animals or birds, for the purpose of propagation, or to destroy mountain lions, wolves, coyotes, wild cat, or other predatory animals or birds, may be issued by the State Game Warden upon the payment of such license fee and in accordance with such regulations as may be established for the administration of said preserve by the State Fish and Game Commission. The game preserves herein would hereby be created and more particularly described as follows:

Little St. Joe Game Preserve

For the better protection and propagation of game animals and birds, the following described area in Mineral County, State of Montana, is hereby set aside and established as a State Game Preserve, to be known as the Little Saint Joe Game Preserve. Beginning at a point on the south bank of the Missoula river where the divide between Dry Creek and Oregon Creek intersects said river bank; running thence westerly along said divide to the summit of the Bitter Root Range, which is the line between Montana and Idaho; thence northwesterly along the summit of said Bitter Root Range to a point where the Deer Creek Government Trail intersects the Montana-Idaho State line; thence northerly along the east side of said Deer Creek Trail to a point where said trail intersects the south bank of the St. Regis river; thence down the south bank of the St. Regis river to its

confluence with the Missoula river; thence up the south bank of the Missoula river to the point of beginning; except that the hereinafter described land now within the limits of said Little Saint Joe Game Preserve as above set forth by metes and bounds shall be excluded therefrom; to wit: All privately owned land purchased prior to this Act, under fence in Sections 13, 14, 15, 22, 23 and 24, in Township 17 North, Range 27 West of the Montana principal meridian in Montana and Sections 18, 19 and 30 in Township 17 North, Range 26 West of the Montana principal meridian in Montana.

Section 2. It shall be unlawful for any person to hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed any game animal or birds of any kind whatever, within the limits of said preserve; or to carry or discharge any firearms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the game animals or birds, or to chase the same with dogs or hounds in said preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes, or to destroy mountain lions, wolves, foxes, coyotes, wild cats, or other predatory animals or birds, or for carrying firearms may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Fish and Game Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five ($25.00) Dollars, nor more than One Hundred ($100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more

than six (6) months, or by both such fine and imprisonment.

Wolf Creek Game Preserve

For the better protection and propagation of game animals and birds, the following described area in Lincoln County, State of Montana, is hereby set aside and established as a State Game Preserve, to be known as the Wolf Creek Game Preserve:

Beginning at Sugarloaf Mountain in Section 13, Township 30 North, Range 28 West; thence in a westerly direction following Dunn Creek to its confluence with the Kootenai River; thence in a southerly direction following the left bank of the Kootenai river to a point opposite the Fisher river road, in Section 16, Township 30 North, Range 29 West; thence in a southerly direction following the Fisher river road to its intersection with the Wolf Creek road; thence in an easterly direction following the Wolf Creek road to its intersection with the Wolf Creek-Fortine road; thence in a northerly direction along the Wolf Creek-Fortine road to its intersection of the south boundary of Township 30 North, in Section 34, Township 30 North, Range 27 West; thence east along the south boundary of Township 30 North, Ranges 27 and 26 West to the southwest quarter of Section 36, Township 30 North, Range 26 West; thence in a northerly direction along the ridge containing Mount Conner, and continuing along the divide separating the Wolf Creek and Stillwater river drainage to Elk Mountain lookout; thence in a northwesterly direction along the divide between Fortine Creek and Wolf Creek to Davis Mountain lookout; thence in a southerly direction along Pinkham divide to Sugarloaf Mountain, the place of beginning.

It shall be unlawful for any person to hunt for, trap, capture, kill or take, or cause to be hunted for, trapped, or killed, any game animal or birds of any kind whatever, within the limits of said Preserve or to carry or to discharge any firearms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the game animals or birds, or to chase the same with dogs or hounds in said preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes, or to destroy mountain lions, wolves, coyotes, wild cats, or other predatory animals or birds, or for carrying firearms, may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said Preserve by the State Fish and Game Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five ($25.00) Dollars, nor more than One Hundred ($100.-00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Milltown Bird Preserve

A portion of the waters formed by the dam belonging to the Montana Power Company, located near Milltown, Missoula County, Montana, which said portion of said water will begin at the dam and extend to the Milwaukee bridge above said dam, all of which is in Missoula County, Montana.

(Created by the State Fish and Game Commission. Proclaimed May 28, 1931.)

Pioneer Park Song and Upland Bird Preserve

All of Sections 35 and 36 in Township 1, North of Range 25 East; the SW¼ of Section 29; the S½ of Section 30; the W½ of Section 32; all of Section 31, with the exception of the W½ of the SE¼ of the SE¼ of Section 31, or 20 acres running North from Grand Avenue in Billings, Montana, to the North line of the Holliday property, in Township 1, North of Range 26 East; all of which is in Yellowstone County, Montana.

(Created by the State Fish and Game Commission. Proclaimed October 22, 1931.)

Lake Avoca Game Preserve

That certain piece of land known as "Club Lake," in Section 32, Township 3 North, Range 7 West, containing approximately 14 acres; that certain piece of land known as "Lake Avoca," containing 114 acres, more or less, in Section 32, Township 3 North, Range 7 West, and that certain portion of land north of White Boulevard and Lake Avoca, in Sections 29 and 32, Township 3 North, Range 7 West, containing 61 acres, more or less, and being a part and parcel of Lake Avoca, all of which is in Silver Bow County, Montana.

(Created by the State Fish and Game Commission. Proclaimed November 16, 1932.)

Teton-Spring Creek Bird Preserve

For the better protection and propagation of birds, the following described area in Teton County, State of Montana, is hereby set aside and established as a State Bird Preserve, to be known as the Teton-Spring Creek Bird Preserve:

All of Section Two (2), Three (3), Four (4), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), in Township Twenty-four (24) North, Range Five (5) West.

It shall be unlawful for any person to hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed any birds of any kind whatever, within the limits of said Preserve; or to discharge any fire-arms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the birds, or to chase the same with dogs or hounds, in said Preserve; provided, however, that permits to capture animals or birds for the purpose of propagation or for scientific purposes, or to destroy mountain lions, wolves, coyotes, wild cats, or other predatory animals or birds, may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Fish and Game Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five ($25.00) Dollars, nor more than One Hundred ($100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Snow Creek Preserve

Beginning at a point on the north bank of the Missouri river, directly across and opposite the point where the dividing line between Hell Creek and Crooked Creek intersects the south bank of the Missouri river; thence southerly across the Missouri river

and continuing on top of a divide and forward to the top of the main divide between Big Dry Creek and the Missouri river; thence westerly and on the top of the said last mentioned divide to the top of the divide between Billy Creek and Seven Blackfoot Creek; thence north on said last named divide to a point on the northern bank of the Missouri river directly opposite and across where said last mentioned divide intersects the said bank; thence westerly along the north bank of the Missouri river following the meanderings thereof to the point of beginning.

Section 3762. **Prior Mountain Preserve.** Beginning at the Northwest corner of Section 27, Township 7 South of Range 25 East; thence south to the Southwest corner of Section 3, Township 8, South of Range 25 East; thence East to the Southeast corner of Section 3, Township 8, South of Range 25 East; thence south to the Southwest corner of Section 11, Township 8, South of Range 25 East; thence east to the Southeast corner of Section 11, Township 8, South of Range 25 East; thence south to the Southwest corner of Section 24, Township 8, South of Range 25 East; thence east to the Southeast corner of Section 24, Township 8, South of Range 25 East; thence south to the Southeast corner of Section 25, Township 8, South of Range 25 East; thence east to that point which, when surveyed, will be the Southeast corner of Section 30, Township 8, South of Range 26 East; thence south to that point which, when surveyed, will be the Southwest corner of Section 32, Township 8, South of Range 26 East; thence east to that point which, when surveyed, will be the Southeast corner of Section 36, Township 8, South of Range 27 East; thence North of that point

which, when surveyed, will be the Southwest corner of Section 31, Township 7, South of Range 28 East; thence east to that point which, when surveyed, will be the Southeast corner of Section 31, Township 7, South of Range 28 East; thence north to that point which, when surveyed, will be the Northeast corner of Section 19, Township 7, South of Range 28 East; thence west to the Northeast corner of Section 24, Township 7, South of Range 25 East; thence South to the Southeast corner of Section 24, Township 7, South of Range 25 East; thence west to the Northwest corner of Section 27, Township 7, South of Range 25 East, and place of beginning.

(Carbon County, Montana).

Section 3763. **Sun River Preserve.** Beginning at a point on the Continental Divide of the Rocky Mountains, due south of the head or source of the South Fork of the North Fork of the Sun River, in what will be Section Eight (8), Township Eighteen (18), North of Range Ten (10) West, Montana meridian, when surveyed; thence due north from the crest of the Continental Divide to the head of the South Fork of the North fork of Sun River; thence northerly along and down the course of the South Fork of the North Fork of Sun River, as it winds and turns to its confluence with the North Fork of the North Fork of Sun River; thence northerly along the course of the North Fork of the North Fork of Sun river as it winds and turns to its head or source; thence due north to the crest of the Continental Divide of the Rocky Mountains; thence along the crest of the Continental Divide of the Rocky Mountains Southwesterly and Southerly to the place of beginning, intending thereby to include in said Game Preserve all that territory lying between

the said South Fork of the North Fork and the said North Fork of the North Fork of Sun river on the east, and the Continental Divide of the Rocky Mountains on the west.

Gallatin Game Preserve

Section 3764. The boundaries of Gallatin Game Preserve are hereby established as follows:

Commencing at the Southeast corner of Section 19, T. 9 S., R. 8 E., which Section corner is on line with the North boundary of Yellowstone National Park; thence North one mile along East line of said section; thence West one mile; thence North one mile; thence West two miles; thence North three miles; thence West two miles; thence North two miles to the section corner common to Section 16-17-20 and 21, T. 8 S., R. 7 E., which corner is on the divide between Cottonwood Creek and Sphinx Creek; thence West along said Divide to the Northwest corner of Section 19, T. 8 S., R. 7 E.; thence South and West along the divide between Tom Miner Creek, Mol Heron and Specimen Creeks to a point on the Gallatin-Yellowstone divide, which point is North 60 degrees E., 45 chains from the Southwest corner of Section 27, T. 8 S., R. 5 E.; thence in a general Southwesterly direction following the top of the divide between Daly and Tepee Creeks and Buffalo Horn Creek, a distance of approximately 4½ miles, to a point on this divide where the township line, between Townships 8 and 9 S., R. 4 E., crosses said divide, which point is 20 chains due west from the Southeast corner of Section 36, T. 8 S., R. 4 E., M. M.; thence due West along the township line between Townships 8 and 9 S., R. 4 E., a distance of approximately 1¾ miles to a point on the

East bank of the Gallatin river, where the township line between Townships 8 and 9 S., R. 4 E., M. P. M., intersects the said river; thence in a Southeasterly direction along the east bank of the Gallatin river to a point where the North section line of Section 18, T. 9 S., R. 5 E., intersects the Gallatin river, thence due West along said section line and South section lines of Sections 11 and 12, T. 9 S., R. 4 E., to a point where said section lines intersect Sage Creek; thence up the East bank of Sage Creek to the confluence of Big Sage Creek and Little Sage Creek, thence South along the divide between the above mentioned creeks to Sage Mountain, which is on the divide between Sage Creek and Cabin Creek, thence East along said divide to the divide between Cabin and Tepee Creeks; thence South along said divide to the divide between Tepee Creek and Red Canyon Creek, thence South along said divide to the Northwest corner of Township 12 S., R. 5 E., thence South a distance of two miles along the West line of said township; thence East a distance of approximately four miles to the West boundary of the Yellowstone National Park to the Northwest corner of said Park, thence East along the North boundary of said National Park to the place of beginning.

It shall be unlawful for any person to hunt for, trap, capture, kill or take, or cause to be hunted for, trapped, or killed, any game animal or fur-bearing animal or birds of any kind whatever, within the limits of said preserve, or to carry or to discharge any firearms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the game animals or birds, or to chase the same with dogs or hounds in said Preserve; provided, however, that permits to capture animals or birds

for the purpose of propagation, or for scientific purposes, or to trap fur-bearing animals, or to destroy mountain lions, wolves, coyotes, wild cats, or other predatory animals or birds, or for carrying firearms, may be issued by the State Game Warden, upon payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Fish and Game Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five ($25.00) Dollars, nor more than One Hundred ($100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Gallatin Game Preserve Extension

Beginning at the intersection of the West boundary line of the Townsite of Gardiner, Montana, with the North boundary line of Yellowstone National Park, thence Northerly along said Townsite line to the South bank of the Yellowstone river, thence Northwesterly along the West shore of the said Yellowstone river to its point of intersection with the North section line of Section 17, Township 9 South, Range 8 East, thence Westerly along said section line and the North section line of Section 18, said township, to the point of intersection with Reese Creek, thence Southwesterly along Reese Creek to the junction of main Reese Creek and the North Fork of Reese Creek, thence along said North Fork of Reese Creek (sometimes known as Electric Creek), to its point of intersection with the township line between Townships 9 South, Ranges 7 and 8 East, thence South along said township line

to the North boundary of Yellowstone National Park, thence East along the North boundary of Yellowstone National Park, to the point of beginning, all of which is in Park County, Montana.

(Created by the State Fish and Game Commission. Proclaimed July 2, 1931.)

Section 3765. **Snowy Mountain Preserve.** There is hereby created, for the better protection of all of the game animals and birds within the limit thereof, game preserve within the State of Montana, and more particularly hereinafter described as to the exterior limits, and it is hereby declared to be unlawful to hunt for, trap, or kill, or cause to be hunted for, or killed, any of the animals herein mentioned, or to trap, capture, or molest any birds or animals of any kind whatever, within the limits of the game preserve hereby created, or to carry or discharge any firearms, or to create any unusual disturbance tending to frighten or drive away any game animals or birds, or to chase the same with dogs or hounds within said preserve; provided, however, that permits to capture animals or birds, for the purpose of propagation, or to destroy mountain lions, wolves, coyotes, wild cats, or other predatory animals or birds, may be issued by the State Game Warden, upon the payment of such license fee and in accordance with such regulations as may be established for the administration of said preserve by the State Fish and Game Commission. Said game preserve hereby created is more particularly described as follows:

Beginning at the Northwest corner of Section 36, Township 13 North, Range 17 East; thence South along the section line between Section 35 and 36 one mile; thence

up the East Fork of the Dry Pole Canyon to the top of the ridge between Dry Pole and Rock Creek; thence South along the top of this ridge to the summit of the mountains; thence East along the South rim of the summit to a point about one-half mile East of the Knife Blade ridge; thence North along the crest of the ridge between the East and West Forks of Cottonwood Canyon to where both of these forks unite; thence down the main canyon North to the forest boundary; approximately one-fourth (¼) mile East of Section corners 34, 35, 26 and 27, Township 13 North, Range 18 East; thence West along the forest boundary five (5) miles to the Northwest corner of Section 36, Township 13 North, Range 17 East, to the point of beginning.

Section 3766. **Highwood National Forest.** All of that territory embraced within the exterior limits of that portion of the State of Montana, which have heretofore been embraced and which are included within the exterior limits of that territory known as the Highwood National Forest, it being the intent and purpose of this description to include within the said game preserve all of the land which is now embraced within the limits of said National Forest reserve, except those portions of the same held in private ownership.

Section 3767. **Powder River Game Preserve.** Beginning at the Southeast corner of Custer County at the Montana-Wyoming State line, thence North and along the North and South line between Custer and Fallon counties, to a point where same dissects the East Fork of the Little Powder river, thence following down the center of said stream to the West bank of the Little Powder river, thence down the west bank thereof

to its confluence with Powder river, thence up the East bank of said Powder river to the junction of Cache Creek therewith, thence up the channel of said Cache Creek and the North Fork thereof to the divide or watershed between Powder river and Tongue river, and thence South along said watershed, to the Montana-Wyoming State line, and thence due East and along said State line to the place of beginning.

Section 3768. **Flathead Lake Bird Preserve.** That certain islands, two in number, including Lot One (1) of Block One (1), containing two and fifty-seven hundredths (2.57) acres; Lot Two (2) of Block One (1), containing two and sixty hundredths (2.60) acres; Lot One (1) of Block Two (2), containing one and sixty-five hundredths (1.65) acres, all being in the villa site of island, situated in Flathead Lake in the County of Flathead, Montana, according to the official plat and survey of said land returned to the General Land Office by the Surveyor General, be and the same are hereby made a perpetual place of refuge for birds of all kinds, the same to be called and known as Flathead Lake Bird Preserve, which said lands shall be specially reserved for the breeding, propagation and protection of all species of birds.

It shall be unlawful for any person to kill, shoot, capture or destroy, or in any way injure any bird on said island, or to interfere with their eggs or nests, or to shoot at, wound or kill any bird within a distance of 400 yards from the shore line of said islands.

It shall be unlawful for any person to kill, shoot, capture, or destroy or in any way injure any bird or animal on the University of Montana Biological Reserve located on the East shore of Flathead Lake, or to interfere with their eggs or their young, or their

nests, or to shoot at, wound, or kill any bird or animal within four hundred (400) yards of said University of Montana Biological Reserve, or to discharge any firearms on said reserve or within four hundred (400) yards thereof.

Section 3769. **Twin Buttes Game Preserve.** For the better protection of game animals and birds, the following area in the Lewis and Clark National Forest, in the Rocky Mountains, State of Montana, is hereby set aside and established as a State Game Preserve, to be known as the Twin Buttes Game Preserve, to wit:

Beginning at the junction of the Dearborn river with Falls Creek in what will be Township Eighteen North, of Range Seven West, Montana Meridian, when surveyed, and running thence Southerly along the course of said Falls Creek to its junction with the tributary of said Falls Creek, known as the East Fork, thence due South to the crest of the Continental Divide, thence Northwesterly along the Continental Divide to the head of Blacktail Creek; thence Northerly along said Blacktail Creek to its junction with said Dearborn river, thence down the said Dearborn river to the place of beginning.

It shall be unlawful for any person at any time to hunt, trap, kill, capture, chase or molest any birds or animals of any kind whatever within the limits of said game preserve, or to discharge any firearms or to create any unusual disturbance tending to frighten or drive away any game animals or any birds within said preserve; provided, however, that permits to capture animals and birds for scientific purposes, or for purposes of propagation, and to destroy mountain lions, wolves, coyotes, wild cats, and other predatory animals or birds may

be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Fish and Game Commission. Any person violating any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five ($25.00) Dollars, nor more than One Hundred ($100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty Dollars ($50.00) nor more than Three Hundred ($300.00) Dollars, or imprisoned in the county jail not less than one nor more than sixty days, or both such fine and imprisonment.

Provided, however, that nothing in this Act shall prevent any authorized official from the University of Montana from taking, capturing or killing any birds in said preserves for scientific purposes only.

Subdivision 1. It shall be unlawful for any person or persons at any time to hunt, trap, kill, capture or chase any game birds or animals of any kind whatsoever, within the limits of the said State Game Preserve; provided, however, that permits to capture game animals and birds for scientific purposes or for purposes of propagation may be issued by the State Game Warden on the payment of the fee of Five ($5.00) Dollars, and in accordance with such regulations as may be established for said preserve, and it shall be lawful to destroy mountain lions, wolves, coyotes, and wild cats on said preserve.

Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Twenty-five ($25.00) Dollars, nor more than One Hundred ($100.00) Dollars, or shall be imprisoned in the county jail for a term of not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Section 3770. Any person found guilty of a violation of any of the provisions of the foregoing section relating to game preserves shall be guilty of a misdemeanor, and upon conviction thereof, punished as herein provided.

Section 3771. **The South Moccasin Game Preserve.** Beginning at the Northeast corner of Section Thirty (30), Township Seventeen (17) North, Range Eighteen (18) East, running thence in a due Westerly course, a distance of five (5) miles to the Northwest corner of Section Twenty-eight (28), Township Seventeen (17) North, Range Seventeen (17) East; thence South two (2) miles; thence West one-half (½) mile to the Northwest corner of Section Four (4), Township Sixteen (16) North, Range Seventeen (17) East; thence due South a distance of four (4) miles to the Southwest corner of Section Twenty-one (21), Township Sixteen (16) North, Range Seventeen (17) East; thence due East a distance of five (5) miles to the Southeast corner of Section Nineteen (19), Township Sixteen (16) North, Range Eighteen (18) East; thence due North a distance of four (4) miles to the Northeast corner of Section Six (6), Township Sixteen (16) North, Range Eighteen (18) East; thence due East one-half (½) mile to the Southeast corner of Sec-

tion Thirty-one (31), Township Seventeen (17) North, Range Eighteen (18) East; thence due North two (2) miles to the Northeast corner of Section Thirty (30), Township Seventeen (17) North, Range Eighteen (18) East, Montana Principal Meridian, the place of beginning.

Section 3772. It shall be unlawful for any person at any time to hunt, trap, kill, capture, chase or molest any game animals or game birds whatever within the limits of said game preserve, or to discharge any firearms or to create any unusual disturbance tending to frighten or drive away any game animals or any game birds within said preserve; provided, however, that permits to capture and destroy mountain lions, wolves, coyotes, cats, wild cats, and any other predatory animals may be issued by the State Game Warden upon the payment of such fee and in accordance with such regulations as may be established for said preserve by the State Fish and Game Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Fifty ($50.00) Dollars, nor more than Five Hundred ($500.00) Dollars, or by imprisonment in the county jail not to exceed ninety (90) days, or by both such fine and imprisonment.

CHAPTER 114

AN ACT CREATING A GAME AND BIRD PRESERVE IN THE COUNTY OF TETON, STATE OF MONTANA.

Be It Enacted by the Legislative Assembly of the State of Montana:

Blackleaf Preserve

Section 3773. That Township Twenty-six (26), North of Range Eight (8), West of the Montana Meridian, in Montana, be, and the same is hereby created a Game and Bird Preserve, to be known as the "Blackleaf Preserve," within the County of Teton, State of Montana, and it is hereby declared to be unlawful to hunt for, trap or kill, or cause to be hunted for, trapped or killed, or to trap, capture or molest any of the game animals or birds of any kind whatever within the limits of said Game and Bird Preserve hereby created, or to interfere with nests or eggs of such birds, or to carry or discharge any firearms, or to create any unusual disturbance tending to frighten or drive away any game animals, or birds, or to chase the same with dogs or hounds within said preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or to destroy mountain lions, wolves, coyotes, wild cats, or other predatory animals or birds, may be issued by the State Game Warden upon the payment of such license fee and in accordance with such regulations as now or may be established for the administration of Game and Bird Preserves by the State Fish and Game Commission.

Section 3774. Any violation of any of the provisions of this Act shall be a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five

($25.00) Dollars, nor more than Five Hundred ($500.00) Dollars or by imprisonment in the county jail for not less than ten (10) days nor more than one hundred (100) days, or by both such fine and imprisonment.

This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

CHAPTER 224

Be It Enacted by the Legislative Assembly of the State of Montana:

Beaverhead Fish and Game Preserve

Section 3775. For the better protection of fish and game animals and birds, the following described area in the Beaverhead National Forest, in Beaverhead County, State of Montana, is hereby set aside and established as a State Fish and Game Preserve, to be known as the Beaverhead Fish and Game Preserve:

Beginning at a point on the base line at the Southwest corner of Section Thirty-six (36), Township One (1) North, Range Twelve (12) West; thence North one (1) mile to the Northwest corner of said Section Thirty-six (36); thence West Two (2) miles to a point which, when surveyed, will be the Southwest corner of Section Twenty-seven (27), Township One (1) North, Range Twelve (12) West; thence North four (4) miles to the Southwest corner of Section Four (4), Township One (1) North, Range Twelve (12) West; thence West one (1) mile, more or less, to the Southwest corner of said Section Four (4); thence North one (1) mile, more or less, to the Northeast corner of Section Five (5), Township One (1) North, Range Twelve (12) West; thence West two (2) miles, more or less, to the Northwest corner of Section Six (6), Town-

ship One (1) North, Range Twelve (12) West; thence South one (1) mile, more or less, along the township line dividing Ranges Twelve (12) and Thirteen (13) West, to the Southeast corner of Section one (1), Township One (1) North, Range Thirteen (13) West; thence West one (1) mile to the Southwest corner of said Section One (1); thence South one (1) mile to the Southeast corner of Section Eleven (11), Township One (1) North, Range Thirteen (13) West; thence West one (1) mile to the Southwest corner of said Section Eleven (11); thence South four (4) miles to the Southwest corner of Section Thirty-five (35), Township One (1) North, Range Thirteen (13) West; thence West along the base line to a point which, when surveyed, will be the Northwest corner of Section Three (3), Township One (1) South, Range Thirteen (13) West; thence South four (4) miles, more or less, to a point which, when surveyed, will be the Southwest corner of Section Twenty-two (22), Township One (1) South, Range Thirteen (13) West; thence East Seven (7) miles, more or less, to a point which, when surveyed, will be the Southeast corner of Section Twenty-two (22) Township One (1) South, Range Twelve (12) West; thence North one (1) mile, more or less, to a point which, when surveyed, will be the Northeast corner of Section Twenty-two (22), Township One (1) South, Range Twelve (12) West; thence East two (2) miles, more or less, to the Southwest corner of Section Eighteen (18), Township One (1) South, Range Eleven (11) West, surveyed; thence North two (2) miles, more or less, to the Northwest corner of Section Seven (7), Township One (1) South, Range Eleven (11) West, surveyed; thence West one (1) mile, more or less, to a point which, when surveyed, will be the Southwest corner of

Section One (1), Township One (1) South, Range Twelve (12) West, unsurveyed; thence North one (1) mile, more or less, to a point on the base line which, when surveyed, will be the Northwest corner of Section One (1), Township One (1) South, Range Twelve (12) West; thence West one-quarter (¼) mile, more or less, along the base line to the Southwest corner of Section Thirty-six (36), Township One (1) North, Range Twelve (12) West, the place of beginning.

Section 3776. It shall be unlawful for any person at any time to hunt, trap, kill, capture, molest, catch or take any fish or game animals or birds of any kind whatever, within the limits of said Fish and Game Preserve, or to discharge any firearms or create any unusual disturbances tending to frighten or drive away any game animals or birds within said preserve; provided, however, that permits to capture animals, birds or fish for scientific purposes, or for purposes of propagation, and to destroy mountain lions, wolves, coyotes, wild cats, and other predatory animals or birds may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Fish and Game Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five ($25.00) Dollars, nor more than One Hundred ($100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

Judith River Game and Bird Preserve

Chapter 120, Laws 1935. Section 1. That Section 1 of Chapter Ffty-two (52) of the Session Laws of Montana, Twenty-first Session, 1929, be, and the same is hereby amended to read as follows:

For the better protection and propagation of game animals and birds, the following described area in Judith Basin County, in the State of Montana, is hereby set aside as a Judith River Game and Bird Preserve.

Beginning at a point which is the intersection of the boundary of the Jefferson National Forest and the center of the Middle Fork of the Judith River, thence up the center of Middle Fork to the mouth of Lost Fork Creek, thence up the center of Lost Fork to the mouth of West Fork Creek, thence up the center of West Fork to the West boundary of Judith Basin County, thence Southeasterly along the boundary of Judith Basin County to the nearest point of the South Fork of the Judith River, thence to source of said South Fork, thence down the center of said South Fork to the intersection with the boundary of the Jefferson National Forest, thence North along the boundary of the Jefferson National Forest to the place of beginning.

It shall be unlawful for any person to hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed, any game animals or birds of any kind whatever, within the limits of the said preserve; or to carry or discharge any firearms, or to create any unusual disturbance, tending to or which may frighten or drive away any of the game animals or birds or to chase the same with dogs or hounds in said preserve; provided, however, that permits to capture animals or birds for the purpose of propaga-

tion, or for scientific purposes or to destroy mountain lions, wolves, coyotes, wild cats, or other predatory animals or birds, or for carrying firearms, may be issued by the State Game Warden upon the payment of such fees, and in accordance with such regulations as may be established for the said preserve by the State Fish and Game Commission.

Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Three Hundred Dollars ($300.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

All Acts and parts of Acts in conflict herewith are hereby repealed.

This Act shall be in full force and effect from and after its passage and known as the Ballantyne Game Preserve.

By Order of the Commission the following Game Preserves were created:

Cherry Creek Game Preserve

All of the valley of Cherry Creek, Valley County, Montana. Beginning where this valley opens into Milk River Valley. The South line being the main highway at Rhodes, known as the Poor Farm Road, to the North line of the McVee ranch, where it crosses Cherry Creek from East to West; also the East Fork to the Opheim Road, and all the coulees and draws entering the said Cherry Creek Valley.

Ballantine Game Preserve

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be as a State Game Preserve.

Beginning at the Northwest corner of Section 25, Township 2 North, of Range 29 East, and running thence due West a distance of nine miles to the Northwest corner of Section 27, Township 2 North, of Range 28 East, thence due South a distance of eight miles to the Montana base line, thence due East along said base line a disance of nine miles to the Southeast corner of Section 36, Township 1 North, of Range 29 East, thence due North a distance of eight miles to the point of beginning.

(Created by the State Fish and Game Commission. Proclaimed Nov. 21, 1924.)

Pipestone Springs Game Preserve

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be known as the Pipestone Springs Game Preserve:

All of Sections 12 and 13, portions of Sections 1, 2, 10, 11 and 14, Township 1 North, Range 6 West; all of Sections 15, 19, 20, 21, 22, 26, 27, 28, 29, 32, 33, 34, 35 and 36, Township 2 North, Range 5 West; all of Sections 2, 3, 4, 5, 8, 9 and 10, Township 1 North, Range 3 West; part of Sections 31 and 32, Township 2 North, Range 4 West.

(Created by the State Fish and Game Commission. Proclaimed Jan. 11, 1924.)

Blue Bay Game Preserve

For the better protection and propagation of game animals and birds, the following described area in Flathead and Lake Counties, along the eastern shore of Flathead Lake, is hereby set aside and established as a State Game Preserve.

Beginning at the outlet of Dafnia Pond about one and one-half miles south of Big Fork, Montana, and extending to the outlet of Blue Bay Creek on the East shore of Flathead Lake, a strip of land extending from the shoreline of Flathead Lake on the East side of said lake to a point eighty (80) rods East of the county road and paralleling the East shore of Flathead Lake, lying between said outlet of Dafnia Pond and the mouth of Blue Bay Creek, said territory being in both Flathead and Lake Counties, Montana.

(Created by the State Fish and Game Commission. Proclaimed Aug. 15, 1924.)

Carbon County Game Preserve

For the better protection and propagation of game animals and birds, the following described area in Carbon County is hereby set aside and established as a State Game Preserve.

Beginning at the Northeast corner of Section Thirty, Township Five south, Range Twenty East, thence South on Section line two miles to Southeast corner of Section Thirty-one of said Township and Range; thence East a quarter mile to the Quarter corner North side Section Five, Township Six south, Range Twenty East; thence South on Half Section line three and one-half miles to Quarter corner South side Section Twenty, Township Six South, Range Twenty East; thence West about one-eighth

mile to Quarter corner North side Section Twenty-nine, Township Six South, Range Twenty East; thence South about five-eighths of a mile on the Half Section line to Old Blake line; thence West about two and three-fourths miles to intersection of Blake line and County road known as lower Red Lodge Roscoe road; thence following Northerly along said road about two miles to the West line of Section Fourteen, Township Six South, Range Nineteen East; thence North on Section line three miles to Northwest corner of Section Two, Township Six South, Range Nineteen East; thence East about one-fourth mile to Southwest corner of Section Thirty-five, Township Five South, Range Nineteen East; thence North two miles to Northwest corner of Section Twenty-six, Township Five South, Range Nineteen East; thence East three miles to point of beginning, containing approximately twenty-three sections.

(Created by the State Fish and Game Commission. Proclaimed May 24, 1923.)

Stillwater Game Preserve

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be known as the Stillwater Game Preserve.

Beginning at the meander corner of the right bank of the Flathead river between Sections 26 and 35, 29 North, Range 21 West, thence West between Sections 26 and 35, 27 and 34, 28 and 33, in part about one-fourth mile to the left bank of the Whitefish river, thence following the Whitefish river in a Southerly direction through Section 32. Then following the left bank of the same stream through Section 5, Southerly and Easterly to 28 North, Range 21 West;

thence Southerly through Section 4 to its confluence with the Stillwater river. Thence following the left bank of the Stillwater river to its confluence with the Flathead river in Sections 21, 28 North, Range 21 West; thence Northerly following the right bank of the Flathead river through Sections 31 and 16, 15 and 10, 9, 3 and 2, Township 28 North, Range 21 West, and Sections 35 and 29 North, 21 West, to place of beginning.

(Created by the State Fish and Game Commission. Proclaimed May 15, 1924.)

Skalkaho Game Preserve

Beginning at the N. W. corner of Section 31, Townshop 5 North, of Range 19 West, Montana Principal Meridian, on the West boundary of the Bitter Root National Forest, thence following the top of the main ridge between Weeping Child Creek and Skalkaho Creek watersheds in a Southeasterly direction to the top of the main divide between the Bitter Root river and Rock Creek watersheds, thence along the top of this main divide in a Northerly direction to a point where the main ridge between the watersheds of Willow Creek and Girds Creek joins the main divide above mentioned, thence in a Southwesterly direction along the top of the main ridge between Willow Creek and Girds Creek watersheds to the West boundary of the Bitter Root National Forest at a point approximately one-quarter of a mile North of the Southwest corner of Section 22, Township 6 North, Range 19 West, Montana Principal Meridian, thence following the West boundary of the Bitter Root National Forest to point of beginning, including all Federal, State and Private lands included within said boundary.

(Ravalli County.)

Little Rockies Game Preserve
(Phillips County)

All of the National Forest land lying within the boundaries of the Little Rockies Division of the Jefferson National Forest, Phillips County, Montana.

Brinkman Game Preserve
(Liberty County)

The S½ Sec. 7, and E½ NE¼ Sec. 7, and S½ Sec. 8, and NW¼ Sec. 8 and S½ Sec. 9; and S½ Sec. 10, and E½ NE¼. All of Sections 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 35, 36; all in Township 29 N. Rg. 7 E., M. P. M.

The Manhattan Game and Fish Refuge
(Gallatin County)

This area is blocked out on the North by the Yellowstone Trail; on the West by the Government Project No. 41; on the South by the Heeb Road, being base line between Townships One South and One North in Range Three East, M. P. M.; on the East by the West Gallatin river.

Sullivan Game Preserve
(Choteau County)

Beginning at a point where the Milwaukee Railway right of way intersects the section line between Section 13, Township 20 North of Range 12 East, and Section 18, Township 20 North of Range 13 East; thence following the Milwaukee Railway right of way in a Northwesterly direction to a point where the Milwaukee Railway right of way intersects the section line between Sections 33 and 28 in Township 21 North of Range 12 East, thence following said section line East

to the Northeast corner of Section 34, in Township 21 North of Range 12 East, thence South one (1) mile to the Southeast corner of same section, thence East one-half (½) mile to the Quarter corner on South line of Section 35, Township 21 North, Range 12 East; thence North one-half (½) mile to center of same section. thence East one-half (½) mile to the Quarter corner on east line of same section; thence North one-half (½) mile to Northeast corner of same section; thence east one-half (½) mile to Quarter corner of North line of Section 36, Township 21 North of Range 12 East; thence South one (1) mile to the Quarter corner of South line of same section; thence East four (4) miles to the Northeast corner of Section 3, Township 20 North of Range 13 East; thence South two (2) miles to the Southeast corner of Section 10, Township 20 North of Range 13 East; thence West four (4) miles to the Northwest corner of Section 18, Township 20 North of Range 13 East; thence South along the Range line between Section 18, Township 20 North of Range 13 East, and Section 13, Township 20, North of Range 12 East, to the point of beginning.

Lima Bird Refuge

(Beaverhead County)

That district bounded by Dry Gulch on the West, the Oregon Short Line tracks on the North, and the Idaho State line on the South and East.

Madison Bird Refuge

(Beaverhead and Madison Counties)

All of Townships 11 and 12 South, in Ranges 2, 3 and 4 West and all of Township 12 South, Range 5 West, located in the upper Ruby and Centennial Valleys.

Grass Valley Game Preserve

Beginning at a point approximately one and one-half miles West of DeSmet, Montana, where Federal Highways 10 and 93 intersect the Couer d'Alene branch of the Northern Pacific Railroad at an underpass; thence in a Westerly direction along the right of way of the Northern Pacific Railroad to a point on said right of way, approximately one mile Northwest of Primrose, Montana, and opposite the intersection of the Dechamps Slough with the right of way of the Lower Frenchtown road; thence in a Southwesterly direction approximately two hundred feet to said intersection of the Deschamps Slough and the Lower Frenchtown road; thence in a Southeasterly direction along the right of way of the Lower Frenchtown road to a point where said highway is intersected by a road known as the Roller Coaster road to the Southeast corner of Section 10, Township 13 North, Range 20 West; thence due North along said last named road, which follows the section lines between Sections 10 and 11, and Sections 3 and 4, Township 13 North, Range 20 West, to a point where the road intersects the Federal Highways 10 and 93 at DeSmet, Montana; thence along said last named highway in a Westerly direction to the point of beginning, all of which is in Missoula County, Montana.

(Created by the State Fish and Game Commission. Proclaimed Sept. 8, 1933.)

Great Falls Game Preserve

From the Rainbow Dam of the Missouri river to the South line of the North half of the North half of Section 23, Township 20 North, Range 3 East, and extending inland one hundred (100) yards from the bank

of said Missouri river on each side, exclusive of the plot of ground used by the Great Falls Gun club; and also that portion of Sun river, from its mouth to the West boundary line of the city limits of Great Falls, and extending inland one hundred (100) yards on each side of said Sun river, all of which is in Cascade County, Montana.

(Created by the State Fish and Game Commission. Proclaimed May 28, 1931.)

Piniele Game Preserve

The North half of Township 5 South, Range 56 East; all of Township 4 South, Range 56 East; and the East half of Township 4 South, Range 55 East, all of which is in Carter County, Montana.

(Created by the State Fish and Game Commission. Proclaimed June 27, 1927.)

Phillips County Game Preserve
(Also known as the Milk River Game Preserve)

Starting at the intersection of the Great Northern Railway with the North and South midsection line of Section 1, Township 30 North of Range 31 East, M. M.; thence in a Northerly direction along the North and South midsection line of Section 1, to the Southeast corner of the Northeast quarter of the Northwest quarter of said Section 1, Township 30 West of Range 31 East; thence continuing in a Northerly direction along the midsection line of said Section 1 to the quarter corner common to Section 1 in Township 30 North of Range 31 East, and Section 36 in Township 31 North of Range 31 East, M. M.; thence along the midsection line of said Section 36 to the quarter corner common to Sections 25 and 36, in Township 31 North of Range 31 East, M. M.; thence

in an Easterly direction along the boundary between said Sections 25 and 36 to the Southeast corner of Section 25 in said Township and Range; thence continuing in an Easterly direction along the boundary between Sections 30 and 31, in Township 31 North of Range 32 East, M. M.; to the Northeast corner of Section 31, in Township 31 North of Range 32 East, M. M.; thence Northerly along the boundary between Sections 29 and 30 in Township 31 North of Range 32 East, M. M.; to the quarter corner common to said Sections 29 and 30; thence Easterly along the midsection line of Section 29 in Township 31 North of Range 32 East, M. M.; to the quarter corner common to Sections 28 and 29, said Township and Range; thence along the East and West midsection line of Sections 28 in Township 31 North of Range 32 East, M. M.; to the midsection corner of said Section 28; thence South along the North and South midsection line of said Section 28, to the quarter corner common to Sections 28 and 33 in Township 31 North of Range 32 East, M. M.; thence Southerly along the North and South midsection line of Section 33 in said Township and Range, to its intersection with the center line of the Great Northern Railway; thence along the center line of the Great Northern Railway through Sections 32 and 33, in Township 31 North of Range 32 East, M. M.; thence continuing along the center line of the Great Northern Railway through Sections 5 and 6 in Township 30 North of Range 32 East, M. M.; to the West boundary line of said Section 6; thence in a Southwesterly direction along the center line of the Great Northern Railway, through Section 1 in Township 30 North of Range 31 East, to the place of beginning.

(Created by the State Fish and Game Commission. Proclaimed March 27, 1928.)

Seeley Lake Game Preserve

Beginning at the Southwest corner of Section *32*, Township 17 North, Range 15 West, M. M.; thence North following section line to the Northwest corner of Section *20*, same Township and Range; thence East following section line to the Northeast corner of Section *22*, same Township and Range; thence South along section line to the Southeast corner of Section *34*, same Township and Range; thence East along township line to the Northeast corner of Section *3*, Township 16 North, Range 15 West; thence South along section line to the Southeast corner of said section *3*; thence West along section line to the Southwest corner of Section 5, same township and range; thence North along section line to the Northwest corner of said Section 5; thence West along township line to the Southwest corner of Section *32*, Township 17 North, Range 15 West, the place of beginning; all of which is in Missoula County, Montana.

(Created by the State Fish and Game Commission. Proclaimed Aug. 4, 1927.)

Grave Creek Game Preserve

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be known as the Grave Creek Game Preserve.

Commencing at a point on the Roosevelt highway South and East of Dickey Lake to where Summit Creek crosses said highway; thence North along a Forest Service trail to Mount Marston; thence Northeast along a Forest Service Trail to Mount Petery; thence along a Forest Service Trail to Mount Locke; thence northwest along a Forest Service Trail to Mount Scotty; thence Northwest along a Forest Service Trail to Ther-

rault Pass; thence South along a Forest Service Trail to approximately the joint section corner of Sections 5, 6, 7, and 8, of Township 35 North Range 25 West; thence East and South along a Forest Service trail around said Section 7 to the center of the West line of the Southwest quarter of said Section 7; thence diagonally Southeast along said Forest Service trail across Sections 7, 18 and 20, Township 35 North, Range 25 West, to approximately the point where said Forest Service trail crosses Deep Creek; thence South along said Forest Service trail to Murphy Lake; thence West and South around Murphy Lake and East along said Forest Service trail to the Roosevelt highway, at the Northwest corner of Dickey Lake; thence Southeast along said Roosevelt highway to the point of beginning, the same being a tract extending north from Dickey Lake about fifteen miles, and on an average of about four miles wide; all of which is in Lincoln County, Montana.

(Created by the State Fish and Game Commission. Proclaimed May 13, 1933.)

Fleshman Creek Game and Bird Preserve

All the drainage area of Fleshman Creek and its tributaries, lying North of the Northern Pacific Railroad tracks, situated in Township 1 and 2 South, Range 8 and 9 East, Park County, Montana.

(Created by the State Fish and Game Commission. August 20, 1934.)

Half-Way Lake Bird and Game Preserve

Half-Way Lake, located in Section 11, 14 and 15, Township 32 North, Range 15 East, located in Hill County, Montana, closed to all shooting. Closed area to be 500 feet

from high water line of said lake. The lake to be reserved in future for breeding and nesting purposes and as a game preserve.

(Created by the State Fish and Game Commission. August 20, 1934.)

Green Meadow Bird Preserve

Bounded on the East by the Silver road, on the South by the South line of the Green Meadow farm and on the South line of the fair grounds, on the West by the Great Northern Railway tracks, and on the North by a cross-road from the Silver road to the Railway tracks.

(Created by the State Fish and Game Commission September 25, 1934.)

The Story Game and Bird Preserve

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be known as "The Story Game and Bird Preserve":

The West half of the West half of Section 2; all of Sections 3 and 4; about three-fourths of Section 5; all in Township 2 South, Range 6 East, M. P. M.; and approximately ninety (90) acres of land in other sections in Township 1 South, Range 6 East, M. P. M.; adjoining the sections above described; this property containing 1,972.62 acres, and being practically rectangular in shape, from three to three and one-half miles in length and approximately one mile in width throughout; all of which is in Gallatin County, Montana, and the property of Mr. Malcolm C. Story.

(Created by the State Fish and Game Commission, October 10, 1934).

Deer Lodge Farms Bird Preserve

Beginning at the Northeast corner of Section 5, Township 7 North, Range 9 West; thence Westerly along what is known as the Rock Creek road, to the Northwest corner of Section 26, Township 8 North, Range 10 West; thence South along the section line 4 miles to the Southeast corner of Section 11, Township 7 North, Range 10 West; thence East 3 miles to the Southeast corner of Section 8, Township 7 North, Range 9 West; thence North 2 miles to the Northeast corner of Section 5, Township 7 North, Range 9 West, to the point of beginning.

(Created by the State Fish and Game Commission, June 23, 1934.)

Big Hole Basin Bird Preserve

All of Section Twenty, West half of Section Twenty-one, West half of Section Twenty-eight; all of Section Twenty-nine; Northeast quarter of Northwest quarter and East half of Section Thirty-two, West half of Section Thirty-three, all in Township 3 South, Range 15 West, M. M., all of which is in Beaverhead County, Montana.

(Created by the State Fish and Game Commission, September 25, 1934.)

Cherry Creek Game Preserve

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be known as the Cherry Creek Game Preserve:

Beginning at the Southwest corner of Section 31, Township 21 North, Range 29 West; thence East along the South boundary of Section 31, one mile; thence North along the East boundary of said Section 31, one

mile; thence East along the section lines approximately seven and one-half miles to the top of Mount Eddy at approximately the quarter corner between Sections 28 and 33, Township 21 North, Range 28 West; thence in a general Southerly direction following the Divide between Eddy Creek and Swamp Creek on the East and Cherry Creek on the West over the top of Cherry Peak and Penrose Peak to the top of Greenwood Hill at approximately, what will be, when surveyed, the Southwest section corner of Section 34, Township 20 North, Range 28 West; thence West along the township line between Townships 19 North and 20 North, approximately fourteen and one-half miles to the top of the Divide between Packer Creek and McManus Creek, approximately the North quarter corner of Section 6, Township 19 North, Range 30 West; thence in a general Northerly direction following the Divide between Packer Creek on the West of McManus Creek on the East to the top of the Divide between the St. Regis river on the South and the Clark's Fork river on the North; thence in a general Northeasterly direction following the Divide between Wilkes Creek on the West and Dry Creek on the East to the Southwest corner of Section 36, Township 21 North, Range 30 West; thence in an Easterly direction one mile along the South boundary of said Section 36 to the point of beginning; all of which is in Sanders County, Montana.

(Created by the State Fish and Game Commission, September 8, 1933.)

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